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Human Rights Education in India

Human Rights Education in India

R.M. Pal
and
Somen Chakraborty

INDIAN SOCIAL INSTITUTE
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Preface

The Indian Social Institute and its Executive Director, Dr. Ambrose Pinto have contributed considerably in creating a climate in which the values of human rights and freedoms can take firm root in India. The Institute co-sponsored with Delhi-PUCL a brainstorming session on Human Rights Education – these two organisations with the assistance of the National Human Rights Commission held a seminar in 1995, perhaps the first ever exercise by social activists and academics in this country. (The proceedings of the 1995 seminar were published by the Indian Social institute and the Delhi-PUCL in book form, under the title *Human Rights Education* edited by R.M. Pal. The third reprint of the book is on sale at the Institute).

The Institute held another workshop on Human Rights Education on 27 and 28 August 1999.

In spite of an assurance given by the National Human Rights Commission that it would have dialogue with NGOs on the subject of Human Rights Education (HRE) it went ahead and urged upon the University Grants Commissions and the NCERT to start HRE courses in universities and schools. Since 1995 a number of Universities have started courses of study in Human Rights as an independent subject. The NHRC did not have any dialogue with NGOs/ social activists. I have referred to this in the background paper published in the volume.

It is in the above context that the Indian Social Institute decided to hold a two-day workshop with regard to pedagogy, methodology, and contents of a human rights education programme which will contribute towards creating a culture conducive to respect for human rights. A number of social activists and academics attended the workshop. It invited the NHRC and the University Grants Commission to participate. The NHRC readily agreed and actively participated in the workshop. This book, *Human Rights Education in India* is an outcome of this workshop.

It is not my purpose to write a comprehensive review of the contributions made by the participants in the workshop. The contributions are being published in the expectation of stimulating a well-informed discussion on the subject and to impress upon policy makers and educational administrators that without an indepth discussion with, and involvement of, social activists, HRE in educational institutions is not likely to bring about any change in the human rights situation in the country.

We are grateful to the distinguished participants for their contributions. The publication of the book has been made possible by the active interest taken by the Indian Social Institute and Dr. Ambrose Pinto, and specially the academic members of the Human Rights Unit. They fully deserve our thanks. I thank Ms. Felcy Selvaraj for her secretarial assistance. Mr. K.A. Jacob of the Publication department of the Institute saw through the entire process of printing. Mr. Kaushik Sarkar, a young film maker designed the Jacket. I thank them.

20 March, 2000

R.M. Pal

Introduction

The decade of nineties has been historically significant for India. On the one hand, the government has adopted a free market economic policy - the whole economic sphere has opened up so that multinational and transnational companies have now entered in a fairly big way. This policy has created new forms of human rights violations in our society (such violations are supplementary to the on-going societal violations in the name of caste, religion, colour, sex, language and identities). On the other, the Indian State has resolved to commit itself to create space not only for redressal of human rights violations but has initiated a widespread campaign to promote a human rights culture. A few among the significant steps taken to champion the cause are setting-up of the National Human Rights Commission (NHRC), National Commission for Women (NCW) and introducing the programme of teaching of Human Rights in schools and universities. It is in this perspective that the Human Rights Unit of the Indian Social Institute organised a two-day national workshop in August, 1999. The purpose of the workshop was to give academicians, scholars, social activists, members of NHRC, NCW and policy makers an opportunity to interact and critically assess the state of human rights violations and the performance of human rights education in India. This is the first time a brainstorming session was held with a view to making a serious attempt to go into a detailed analysis of Human Rights Education. The volume is the outcome of this workshop.

The contents of the book are divided into four sections. The first section includes seven papers in which the authors have initiated a theoretical discussion on human rights education. Professor Rajni Kothari in his keynote speech refers to two pedagogies in human rights education – one is transmitting the knowledge and thinking on human rights developed in middle class circles. Another one that is going on in society and among the people – their struggles against hegemony and for due regard and dignity for human beings. Professor Kothari argues that human rights education must be promoted in the context of Indian society which is presently caught between two thrusts – the thrust of globalisation and an upsurge of democratic aspiration from the people. What is necessary, he opines, is to make life the school of human rights rather than the educational institutions.

Professor Jean Drèze [Presidential speech] argues that education itself must be seen as a human right. He views human rights education from a broader perspective and does not restrict it to legal rights. He suggests that other means of intervention should be taken into consideration. Given the Indian context, he does not find any serious incompatibility betweeen Indian tradition and human rights values. With regard to right to compulsory education to a child he argues that it is a shared responsibility of the State, parents, teachers, employers who employ child labour etc. More so, unless a distinction is made between right to education and compulsory education in a situation the latter may provoke authoritarian sanctions against recalcitrant parents.

Mr. Virendra Dayal [Inaugural speech] discusses various steps adopted by the NHRC to make human rights education more effective and meaningful. He feels that human rights education must contain the issues of liberation of Dalits, decentralisation, autonomy etc. and these aspects need to be understood from an international setting. Bureaucracy alone can not be entrusted with this task and all thinking elements of the civil society must be involved in it. Human rights education must be powerful and comprehensive enough for the people to find a way of living in dignity. Mr. Dayal gives an account of NHRC's contribution to promoting HRE.

Professor Imtiaz Ahmad raises the question of the level at which HRE should be introduced. He regrets that the University Grants Commission did not ask teacher to give their opinion. "The issue was foreclosed right in the beginning by the UGC taking the initiative for promoting HRE in universities.... As no wide-ranging discussions were organised, we are completely in the dark as to why HRE should begin with higher education and not earlier". Professor Ahmad also raises the question whether HRE be taught as part of the curriculum or as a distinct subject, with regard to pedagogy. Professor Ahmad maintains that human rights can be taught "in a way that those exposed to HRE become active agents of struggles against social and political oppression and exploitation in everyday life... A better strategy would be to set up HR Documentation and Teaching Centres in each of the principal zones of the country to carry on the task of HRE".

Dr. Ambrose Pinto advocates for such human rights as have the capacity to arouse critical consciousness among the masses. This capacity can be acquired if human rights education addresses the people. He views human rights violation as the result of two civilisational crises – caste system at social level and capitalist system at economic level. For him objectives of human rights education ought to be an improvement of quality of life, employment of people and change in the relations of power. Human rights teaching has to be centred on dialogue enabling the students to get rid of preconceived notion on hierarchy, inequality and justice. In this exercise the pedagogy is to formulate an ideal society.

Dr. R.M. Pal in his background paper has raised questions that have to be tackled by academics and acivists. His primary focus is on human rights violations. At the very outset he states: "When we talk of Human Rights Education the point of reference is violation of human rights. So human rights activists and intellectuals must never be apologetic in exposing human rights violations". Dr. Pal gives a brief sketch of what should be included in a human rights course of study.

Professor Pandav Nayak specifically refers to fundamental duty of citizens – apropos of HRE. With regard to pedagogy he writes: "HRE calls for a language of human rights, of human rights for use in the classroom, workplaces, cultivated in the family and circles. It requires a new methodology, based on principles of participation which underpin and contribute to building of close contact between lived culture and formal education". According to Professor Nayak, there are four components of HRE programmes: (i) knowledge about HRE, (ii) comprehensive curriculum, (iii) practice-based learning for sensitisation and change of attitudes, and (iv) public dissemination of HR information.

The second section of the volume is on the role of educational institutions in promoting human rights education. Here we have the views both of experienced teachers and social researchers based on empirical knowledge, field based information and review of a few select university curriculum on human rights education school textbooks. For Professor Moolchand Sharma [Valedictory speech] the purpose of human rights education is to foster and strengthen human rights culture. To accomplish the task human rights education has to be multi-disciplinary, proactive and effective in empowering human beings to fight for dignity. It must have the capacity to remove prejudices from the mind and heart of the learners. Therefore, choice of faculty, understanding of pluralism of Indian society is important so that a proper dialogue can be initiated. In order to make it successful a large net-working of multi-faculties is necessary.

Professor Arjun Dev's paper is based on findings of a study conducted in India as part of a Four-Country Commonwealth study held during 1996-97. The study included a survey of the school curriculum under CBSE system, the secondary stage and interviews of principals and teachers of schools. The findings brought certain interesting observations on social and judicial awareness of the students. While most of the students are reasonably aware about human rights, they are not enthusiastic and committed to act for promoting them. More interestingly, the study finds that reflections of human rights concept in Indian school education system is comparatively better than many other Commonwealth countries.

Justice S.N. Bhargava gives a brief account of changes at the national and international institutions with regard to human rights education. He prescribes a number of steps for those who are involved in human rights education. Widespread awareness of human rights, he views, is a deterrent to the incidents of human rights violations in society. What is necessary in his opinion is to develop a positive attitude to human rights, the process of which must be initiated at the primary education level. Professor K.P.Saksena takes objection to over-dependency on western approach to human rights. A search for Indian tradition of human rights is necessary because human rights education can sustain only if it is grounded on Indian philosophy, tradition and culture. Along with sensitisation exposure to human rights violations is also important. For this purpose examples of violations of human rights need to be brought into the class room. In his paper Dr. Ashok Ranjan Basu refers to various provisions of the Indian Constitution as well as resolutions and principles adopted by international Covenants to promote and protect human rights. The objectives stated in these documents can be attained if human rights education becomes an action oriented learning. He offers some suggestions on contents and methods of human rights education.

Based on a field study, Prof. K. Sudha Rao and Ms. Arti Chatrapathi conclude that in spite of recommendation by Government and education commissions to remove disparities and provide educational opportunity to all government policy on reservation has not been implemented successfully. They find that there have been lots of information gap in the higher education sector thus creating confusion and misunderstanding. Mr. Somen Chakraborty and Dr. R.M.Pal's paper is an attempt to look at the UGC IXth Plan Approach Paper, curricula of a few human rights education courses in universities and a few textbooks by NCERT. They examine them in the light of on-going debates on human rights and nature of human rights violations in society.

The third section of the volume includes seven papers which broadly deal with societal violations and their relevance to human rights education. The first two papers discuss about the secular construction of Indian history to promote a trustworthy relationships between two major religious communities i.e., Hindus and Muslims. In the paper entitled "Culture and Education in the Human Rights Framework", Professor Iqbal A. Ansari talks about the ill effects of cultural homogenisation which has got a new momentum after the Hindutva forces took the centre stage in Indian politics. A democratic state can not arrogate to itself the right to officially promote a particular set of moral and spiritual values. While majoritarianism is unwelcome to him, he prefers a respectable place for an all-inclusive Indian cultural heritage in school curriculum and teaching materials. Dr. Abdulrahim P. Vijapur delves into the medieval history to see the nature of social harmony specifically between Hindus and Muslims prevailing during that period. Communal relationships which have been ruptured in India over a period of time for various reasons is at the threshold of new challenges due to the rise of Hindutva forces. He makes us cautious about the communal designs of different periods, more particularly in today's India, when the Hindutva forces are in power, to project Muslims as intolerant to other religions especially the Hindus. With an array of examples he makes a strong case that during the Muslim rule from early Sultanate of Delhi till the Mughal rule there has been a practice of learning from other religions and tolerating other religions. Human rights education must aim at saving history from distortions and to explore the secular construct within it.

The next three papers examine the ways and means that need serious consideration to make human rights education people centred, specifically to empower the marginalised, SCs, STs and women. Dr. I. Arul Aram takes journalism as a case to begin a discourse on human rights. Citing the example of mass communication programmes he states that it is unfortunate that instead of concerns for social issues, flair for expression has become the most important criterion for a student to be in journalism. This, for him, is a major reason for the media to have very little concern for societal violations. Because of an elite background of the majority of the mass communication students and in the absense of human rights orientation during their training a large number of them remain largely insensitive to human rights violations. Upper caste dominated Indian journalism thus fails to present the Kargil situation in a balanced manner. Human rights education has to aim at changing this mindset. Involving the urban middle class and sensitising them about human rights is important to make human rights a reality. Dr. D.K.Giri and Ms. Iris Ruebel focus on dowry problems and develop argument on certain issues related to women's life and dignity. They give a brief account of history how women have turned to be a deprived group in society and in what way dowry has entered into the man-woman relationships. The transformation of matrilineal and matrilocal societies into patriarchal and patrilocal ones is largely responsible for giving birth to the dowry system. In a patriarchal system dowry related crimes keep on increasing along with an increasing trend in gender discrimination. It is, therefore, important that our young boys and girls get to know about the evils of the system at a very early stage of their education. With the support of case studies Professor G. Nancharaiah examines the occupational distribution of work force and their relation to the educational and economic development of dalit agricultural labourers. Because of the Green Revolution and other means of modernisation, casualisation and marginalisation of SC workforce have further increased. Intensive technogical upgradation, experimentation with high yield variety seeds and inequalities in the distribution of lands during the post-independence period have gone against the interests of the Dalits. As a result unemployment is high among Dalits. They are kept dependent on agriculture without any land base. This economic vulnerability then put them facing atrocities and violence. A nexus between caste, land and labour thus increasingly acts against the interests of Dalits.

Two papers, one each by Mr. Joseph Gathia and Ms. Sangeeta Mall throw light on the contents of human rights education. Joseph Gathia's paper aims at reminding us what ought to be the issue of consideration while desiging human rights education. This should be a process in which the transformation that begins with the individual must branch out eventually to encompass society at large. It has to be a value adding process in which an individual rediscovers his/her self. Identification of various vulnerable groups, their economic and social problems and the impact of development in their lives need to be properly linked to a programme of human rights study. Sangeeta Mall discusses the issue of human rights education dividing into four sub-topics. The whole social structure in India is based on institutionalised inequality which is anathema to human rights. She suggests that if those children, who are estimated to be not less than 50% of the total number of children of the school-going age, are to be given inputs of human rights, a mass movement targeting society as a whole is necessary. In order to achieve this objective different segments of society have to come together to positively influence each other's thought processes and ideas and thus asserting their collective strength.

The fourth section deals with various issues that human rights education faces today and the steps that need to be taken to make human rights education effective. Dr. Mahi Pal explores the potentials of Panchayati Raj institutions in promoting and protecting human rights. This is important because through decentralisation of power PRI provides space for participation and thus broadens the representative base in a democratic formation. It provides enormous opportunities to the members of SCs, STs and women to get into decision making processes, governance and implementing decisions. This works as a deterrent to human rights violations. An effective and functional decentralised judicial system will further strengthen the process of creating an equitable social order. Through an empirical reflection of a training programme on human rights for the public servants conducted by the Indian Institute of Public Administration Dr. Jaytilak Guha Roy draws the conclusion that there is a large amount of misconception about human rights among government officials. He argues that the curriculum and methodologies of human rights education for these people should be formulated in such a manner that helps in removing the East-West division of human rights concept.

Mr. P. Raghu Ram feels that human rights education must not remain confined to the institutional framework alone and it should be integrated with human sufferings in society at large. Human rights education is to target different sections of the people as each of them has a distinct role to play in protecting and promoting human rights. The curricula of human rights education must help in bringing about positive change. Mr. V.B.Rawat's paper refers to some issues of human rights violations in today's society and concludes that human rights education can not be a success unless it aims at attacking those social systems, like caste, which are sources of human rights violations. Mr. Shashi Kumar's argument is that since human rights education is a moral exercise, it must prepare learners to analyse and understand the world around. The whole world population must be the target groups for human rights education. The process must start at the primary level itself.

The purpose of the book is to give the readers ideas and reflections that may help in accelarating the process of generating a human rights culture. We hope readers will find the volume relevant and useful in furthering their understanding of human rights.

R.M.Pal
Somen Chakraborty

New Delhi
20 March, 2000

Part I

Human Rights Education: Theory and Perspective

Human Rights Education: Two Pedagogies

Rajni Kothari

In the background paper that Dr. Pal circulated to you, he has already quoted from an article, "Human Rights Doublespeak" I wrote in the *PUCL Bulletin*, September 1994 (a monthly journal published by People's Union for Civil Liberties – R.M. Pal is editor of *PUCL Bulletin*) [*extracts from Professor Rajni Kothari's article appears as appendix to the background paper entitled "Human Rights Education: A Background Paper" by R.M. Pal, included in this book*]. When the whole issue of human rights education was being debated and was proposed by the National Human Rights Commission (NHRC) that it is to be incorporated in the syllabus as a separate subject in schools and universities, the then Chairman of the National Human Rights Commission, Justice Ranganath Mishra went to far as to say that it should be taught all the way from primary school to the highest level of university. Dr. Pal wrote a severe critic of this approach of the NHRC in the *PUCL Bulletin*, August 1994 [see the background paper].

What I had tried to do in the write-up referred to above was to talk of two pedagogies, two opposite standpoints. One pedagogy basically thinks of transmitting the knowledge and thinking on human rights developed in middle class circles among what are called educationists in organisations like the NCERT and such other arenas of well intentioned and well motivated desire to transmit human rights thinking among the young and not so young through the normal channels of education, through syllabus, through curricula development, through encouragement of research in these areas, and instruments of pedagogic transmission that is available to those in charge of modern education. I had argued that there is another pedagogy, which is also emerging in our own country as well as others like us. That draws upon what is going on in society and among the people. A pedagogy, as I said, that struggles against hegemony, and for due regard and dignity for human beings, and to structure the research, the teaching and even the training and curricula development, to use the cliche 'education from the bottom up'. It is not until, I had argued, that the former pedagogy draws more and more from the knowledge, insights and wisdom of the latter, including some sordid realities, and some not so pleasant realities, thrown up by the experience of the latter, that genuine enlightenment on human rights and related matters would take place.

I had argued – you will forgive me for quoting myself because I want to develop on it further – that there can be no genuine enlightenment or education on human rights in the abstract, in the 'ivory towers'. We have to climb down the 'ivory towers'. It can only come out, I said, of engagements with real life situations, in this case situations of conflict and struggle of the political process in dealing with them and of the knowledge and understanding that are gained from such engagements. I noticed that in an article on this subject published in the *PUCL Bulletin,* Professor Sibnarayan Ray had argued more or less on the same line and even more sharply; that human rights can not be learnt, even more, cannot be established without confrontation and conflict with vested interests and traditional authorities, Professor Ray had argued, and I completely endorse that view [abstracts from Prof. Ray's article have been included in the background paper-eds.]. I am going to develop on it. Rights are involved in major struggles for rights, establishment of rights all the way from the theory of natural rights to what, in recent years, is called human rights, following the United Nations Declaration on Human Rights, rights have involved major upheavals – social, cultural, political and economic and to an extent even spiritual.

Professor Ray has written that it is "altogether a wrong approach if some central body devices a syllabus and then imposes it on school system which itself grew up in an authoritarian atmosphere". He is a radical humanist, and believes, and I tend to agree with him, that we are already engrossed in a rather authoritarian culture. For a central body, emerging from that authoritarian culture, to impose a syllabus on the school system or the college and university system would be a wrong approach. He ended his statement by asking: can human rights education hope to hold on to its objective and succeed without overthrowing the vested interests and radically altering the present system? This is the issue, he said, which demands an open and intelligent public discussion and cannot be settled by any fiat from the centre.

Let me develop on this thinking further. Incidentally in the *PUCL Bulletin* article, I was talking about human rights doublespeak, doublespeak in a sense that there is one position that is advocated by those in power and authority and their action on the ground is completely of a different order. And yet they have the cheek to advocate a pedagogy which they call human rights education. The position I am going to take today is in keeping with what I said then, namely that human rights cannot be taught through school and college curriculum. There can be no education on human rights through school and college curriculum. Many years ago, under the auspices of the UNESCO, an attempt was made to engage educationists in India in human rights education. I remember Dr. L.M. Singhvi [former High Commissioner of India in U.K.] was very much involved in it. What is more recently being done has been further legitimised by our own Human Rights Commission following the same line. I am arguing that education on human rights is not to be achieved through syllabi or curricula drafted in ivory towers, for that matter, even by research bodies, research centres that claim to be in touch with basic local realities. Human rights can best be experienced personally and in becoming and in the context of community and what a community is striving for.

To put it in a clinching manner, a real school for human rights education is the school of life, life involved in the process of becoming humane and just. Education in human rights has to be addressed to those who are perpetrators of human rights violation. And those who are at the receiving end bear suffering patiently; they must be supported. Human rights and violations of human rights are to be found in that school of life, not in schools located, I won't say building like this, but I wouldn't exclude even this, and to carry on, as mentioned by Sibnarayan Ray. Further, such an attempt of relating what you want to advocate as human rights, should be made by engaging yourself with the school of life. There is no way we can ignore the major upheavals taking place, the word that Sibnarayan Ray has used – the sufferings that are involved in which the people are involved, the sacrifices that are being made, whether it is by women or by Dalits or those who are continuously displaced as a result of vast projects undertaken, what Nehru called "temples of modern India".

The convulsions necessarily involved in this process must become the basis, the pedagogical basis, of what is offered to young people in their pursuance of their regular education. In such an attempt in identifying and struggling against violations, we have to tread over a vast terrain, from traditions of obscurantism on which Dr. Pal goes at length in his background paper and hierarchy to inequity of a modern form arising out of enacting repressive structures in the arenas of both the state and civil society and the international arenas. There is a lot of talk these days, to which I have also contributed, of civil society breeding these struggles against state sponsored displacement. A large part of human rights violations happen within the framework of civil society. Dr. Pal has focussed much more on things like Varnashram and so on. But there are many other aspects which go to the roots of the structuring of civil society. Whereas we the liberals, the Marxists and others, talk of reducing the power of the state and increasing the role of civil society; we have to be very careful in doing this.

The next point I would like to come to is that we have to remember something that Dr. Pal has mentioned but doesn't develop sufficiently. I think he has two minds on that. The development on human rights in a plural and highly diverse society, highly diverse polity. There has been a great deal of talk recently following Kargil that both India and the United States are democracies and, therefore, attempt should be made for a collaboration between these two countries. Mrs. Madeleine Albright, Secretary of State, the United States of America on one hand and Mr. Jaswant Singh, India's External Affairs Minister on the other have fully agreed and indeed he deputed a government official to go and discuss in Washington the possibility of greater collaboration between these two countries. Now I am going to propose to you that the democracy as understood in the United States and democracy as understood by ourselves over the national independence movement, over the assertions of the integral pluralism of Indian society, are not identical. I have argued in an article, published in a book called *State Against Democracy: In Search of Human Governance*, why India has been democratic. It is not because of the fascination of the Westminster model that we took to the democratic path but because of an inherent appreciation of the pluralist ethos of our own society, which is no doubt hierarchy-bound, no doubt full of fragmentation and dispersal; but all the same, realising that the only political structure through which a plural society could find its bearings would be democracy. In other words, we took to democracy not because of the fascination of an imported model but because of our own compulsion and above all our own interest, our desire for preserving our pluralism and our great diversity. As far as I understand, in the USA when they talk of democracy or of human rights they are talking in a monolithic way; or when they talk of exporting the democratic model, starting after the collapse of the Soviet Union, and to some extent what happened in East Asia, the motive is economic and technological. They are thinking in a much more monolithic way, in a much more homogenising of the world around the democratic manner rather than our way of a pluralist structuring of our polity.

Let me mention here a Ph.D dissertation by a student from abroad (it came to my hand recently) who analysed a leading French scholar Alexis de Tocquoville's thoughts. He wrote two volumes on Democracy in America. He is very influential in the context of current analysis of the party system, democracy and so on. The

Ph.D scholar contrasted Tocquoville's thinking with mine. Tocquoville's thesis is that democracy is successful in the United States because the people there had achieved a large measure of equality, a large measure of affluence; and on that basis a large measure of polity. The scholar has written that I was of the view that in spite of inequality and poverty it is possible to pursue the democratic path; in fact, those at the receiving end of our unequal social structure have contributed more to the development of democracy than those sitting in high towers. In other words, I have found no contradiction between being an unequal society and pursuing the creation of a democratic society, while for Tocquoville there is no way you can pursue democracy unless you have established an egalitarian social structure.

In a talk that I gave yesterday on the Nehruvian model and its aftermath I had argued that the key challenge facing a country like ours is how to make democracy an instrument of removing poverty, inequality, disparities and the like. In short, we face a curious dilemma in that the poor have a greater stake in the democratic path. It is because as I have argued sometime in my writings that for the poor there is no other course except the political course; there is no other course except by participating in the democratic process, by participating in elections or some alternatives to the current type of elections. The question is whether the system of election, the votes of the poor matter. On the other hand, the larger system is helping to perpetuate inequality, poverty, disparities; it is becoming an instrument of globalisation, ignoring the pressures that are emanating from below, the pressure for justice, the pressure for equity, the pressure for rewarding the oppressed sections of society; in short, the deprived and oppressed are making a determined demand for a chance in life. We are caught in a curious blind by which the Nehruvian political system was structured. On the one hand there is globalisation based on the new liberal ideology of development and on the other, pressures from below, pressures from mass awakening and mass upsurge and mass consciousness. It is a political system that relies a great deal on the state being the instrument, being the catalyst of liberation, in which the state would be taking on a bigger role in creating an equal and democratic society. Nehru was in many ways a statist, a follower of the Fabian way of thinking, in which social democratic goals could be achieved through the instrumentality of the state. He was not prepared, though he was opposed to imperialism, for this upsurge from the bottom either.

So today we are caught in between these two thrusts, the thrust of globalisation on the one hand and of an upsurge of democratic aspirations from the bottom on the other. The system that we have, the system that we grafted on an authoritarian political culture and drew sustenance from that authoritarian political culture with its feudal and big business and export house backing, is the system through which we propose to educate our young in human rights. It is an impossible undertaking. It is an undertaking that is fraught with enormous risks and particularly risks to those who are craving more than any other section of society to use the instrumentalities of democracy for achieving their goals in life and livelihoods that they crave for. It is this dilemma that faces us and it is in this context that the question of human rights acquires a critical importance because what we do, for example, in the field of environment is very critical; or how much advance the feminists are able to make in women's arena; in which way the tribal demand for self-rule is being met; what we have done in the sphere of right to information, and so on. Unless we include in the agenda, promotion of human rights, and what Sibnarayan Ray emphasises, namely, struggle against vested interests, vested interests will reappear at the decentralised level, at the level of self-rule. So long as you operate through the instrumentalities of the state and the state system around which the global order functions, pursuit of human rights is not possible. Human rights is not something to be exported from one country to other countries, nor is it something to be resisted just because it is being exported. Human rights is valued because people value it, valued because people struggle around this issue, valued because it is through the achievement of rights that it will be possible to deal with the turbulences, the upsurges, the convulsions, and for this we have to focus our work and research and everything else into the social arena. We have to make life the school of human rights rather than schools, colleges and universities, the school for human rights.

Human Rights Education and the Right to Education

Jean Drèze

Coming from Belgium, a politically backward country which still has feudal institutions such as a King and Queen (and where women did not obtain full voting rights until the late 1940s), I feel poorly qualified to comment on the state of human rights in India. I am all the more unprepared as Dr. Pal had not mentioned, in his kind invitation, that "presiding" over this session would involve a "presidential address". I hope, therefore, that you will forgive me for the limited scope of these introductory remarks, which consist mainly of a tentative reaction to Dr. Pal's background paper.

To start with, I would like to encourage the participants to take a broad view of "human rights education", which does not restrict human rights to legal rights, and does not restrict education to schooling or other formal institutions. Human rights violations in India have a broad reach. To take a simple example, education itself must be seen as a human right, even though the Indian Constitution falls short (as things stand) of recognising it as a fundamental right. It is possible to give many other examples of human rights that are yet to be enshrined in the law, but should be seen as human rights nevertheless. And of course, violations of legally-recognised human rights are themselves widespread. It is a scandal, for instance, that so many people (especially from underprivileged sections of the population) can be beaten, tortured and killed in police custody day after day without provoking much criticism or even questioning in the media or in the Parliament[1]. Similarly, there is no justification for keeping a large number of people in custody for months or years without trial, in contravention of the most basic norms of judicial fairness.

The fact that human rights violations have so little public visibility is one reflection of the elitist bias of the media, especially their English-medium stream. In rare cases where the victims belong to privileged classes, the human rights violations in question suddenly become newsworthy. For instance, if an influential businessman gets beaten up by mistake in police custody, the incident makes headlines. Yet this misfortune happens to thousands of poor people on a daily basis, without there being any hue and cry about it. Similarly, when my colleague Dr. Shrikant Gupta at the Delhi School of Economics was harassed by traffic police a few months ago, for no fault of his own, he was able to retaliate with a massive press campaign and even a public interest litigation. Today, he is a national hero. The street hawkers and pavement dwellers who are constantly badgered by police constables have no such privilege.

This state of affairs, of course, can change through organisation and campaigning. There is plenty of scope for action on that front. I welcome this forum as an opportunity to discuss the human rights situation in India and what can be done from the point of view of human rights education. Of course, it is not just a matter of human rights education. There are many other means of intervention. For example, we need much stronger legal provisions for independent investigations of human rights abuses. It is absurd to entrust investigations of police abuses of human rights to the police itself. As long as this practice continues, we cannot expect much from these investigations. Some provisions do exist now for independent investigations (the National Human Rights Commission - NHRC is one example), but more extensive provisions of that kind are urgently needed. Another urgent priority is to bring human rights violations by army and para-military personnel within the purview of these provisions.

Also important, I think, is to expand and strengthen the work of human rights organisations, which have little influence as things stand. In his introductory comments, Mr. Virendra Dayal [Member, NHRC, Mr. Dayal's contribution appears in the volume] mentioned in jest that he is one of the few people who read *PUCL Bulletin* and Dr. Pal's writings. It is, in fact, a matter of serious concern that such documents receive so little attention. Even major human rights violations, such as massacres of dalits by the Ranbeer Sena in Bihar, are not the object of well-researched and well-circulated reports. When such an incident takes place, a fact-finding team hastily visits the area and usually produces a half-baked, cyclostyled report which begs to sink without trace. This contrasts, for instance, with the skilful and influential reports of the Centre for Science and Environment (CSE) on pollution in Delhi and other environmental issues, which enjoy massive media coverage and foster a great deal of public debate. It is important to reflect on these limitations of the human rights movement, and on what can be done to give it a sharper edge. There are, of course, inherent difficulties in campaigning for human rights in an elitist society where privileged sections of the population do not perceive this as a major concern. But there is also much scope for change in the style of functioning of human rights organisations, as well as for greater unity and solidarity among them.

I would like to comment briefly on two issues that struck me in the background note. The first issue is what is described in the background note as a kind of clash, or potential clash, between the culture of human rights and the Indian tradition. As Dr. Pal puts it, "we have inherited a predominantly authoritarian culture on which we have been wanting to graft a democratic system". He points out that there are tensions between the Indian tradition and these modern values. On this issue my own feeling is that there is no ground for alarm, partly because tradition is a living thing which constantly adapts to new circumstances, and can also adapt to the culture of human rights. Indeed, as Dr. Pal himself pointed out, even within India's ancient tradition (including the Hindu tradition), there is already a strong strand of commitment to democracy, human rights and social justice. The leading figures of that tradition include many distinguished champions of these values, from Kabir and Tukaram to Tagore, Gandhi and many others. If less attention is given to those figures than to others who had a more authoritarian outlook, that may reflect the biases of contemporary readers of the Indian tradition as much as biases in the tradition itself.

There is also plenty of scope, I believe, for further integration of modern human rights values with the Indian tradition. Let me illustrate. One might think that the "tradition" of the caste system is incompatible with all children going to the same school, sitting together in the same classroom and perhaps even sharing the same mid-day meal. Yet, these are norms which people have adapted to very easily. Today, children of all castes are flocking to school without serious objections being raised from any quarters. This is not to say that there is no discrimination at school. Some discrimination persists, for instance in the form of teachers giving special attention to upper-caste or upper-class children, or of underprivileged children being special targets of physical punishment. Nevertheless, there has been considerable progress in public attitudes towards equal involvement of all children, irrespective of social background or gender, in the schooling system[2]. More generally, I think that people have a remarkable ability to adapt to changing norms (especially when the changes are consistent with the sentiment of a large section of the population), and that there is little reason to fear a fundamental incompatibility between Indian tradition and human rights values. To the extent that there are tensions between the two, the thing to do is not to seek a confrontation with traditional values, but rather to focus on a positive assertion of human rights. If the latter are uncompromisingly upheld, most people will find their own ways of reconciling the demands of modern human rights with their perception of traditional values - as has happened in the case of schooling.

The second issue I have selected for comment is that of education itself being the most important form of human rights education. Indeed, education has a major role to play in empowering marginalised sections of the population to participate in the democratic system and to defend their human rights. In that sense, education in general can be seen as a form of human rights education.

From that perspective (among others), the ongoing campaign for official recognition of elementary education as a fundamental right assumes great importance. I would like to share a few thoughts on this specific issue.

First of all, what is the right to education? One reason why this point calls for clarification is that the right to education is often confused with compulsory education. The two are not the same thing at all. The right to education, as I understand it, is a right of the child vis-a-vis society. It states that every child is entitled, say, to eight years of schooling. Who is responsible for translating that right into reality? According to one school of thought, anyone's right has to be someone else's responsibility. However, I do not think that the right to education is of this kind. One child's right to education is not the responsibility of one particular person or institution. It is a shared responsibility. First and foremost, it is a responsibility of the State, which has to provide the necessary facilities, outline the curriculum, make sure that teachers are qualified and accountable, and so on. But parents also have a responsibility to send the children to school, teachers to impart learning, and employers not to employ children in ways that conflict with their education. Thus, the overall responsibility of guaranteeing the right to education is shared between different persons and institutions, though not in equal parts.

This feature has led my esteemed colleague Andre Beteille to argue that the right to education is useless because it is not enforceable[3]. Since the right to education is nobody's specific responsibility, says he, it cannot be enforced in court and therefore has no teeth. Following on this, Andre Beteille has argued against elementary education being made a fundamental Constitutional right, on the grounds that this would devalue the notion of fundamental right. With due respect, I disagree. It is true that, in so far as the responsibility for implementing the right to education is a shared responsibility, not all aspects of it can be enforced in court. For instance, if a teacher sleeps in the classroom, I don't think that taking him or her to court would be the best course of action. Other aspects, however, are enforceable. For instance, if elementary education is made a fundamental right, those who live in a village where there is no school will be able to demand one as a matter of right (instead of depending on the good will of the administration). This would be an important step forward.

With this background, let me come back to the relation between the right to education and compulsory education. As I said, the two are not the same, and conflating these distinct notions (as is often done in official circles) would be a dangerous dilution of the right to education. However, compulsory education is one of the means that may be used (in some circumstances at least) to make the right to education a reality. Compulsory education sends an important message to parents, to the effect that it is not up to them to decide whether to send their children to school or to keep them at home. They have a duty to send children to school. This message is very important, even if reluctance to send children to school is confined to a minority of parents.

One striking finding of the PROBE survey is that an overwhelming majority of parents are in favour of compulsory education[4]. One reason for this is that people understand very well that when other parents in the village send their own children to school, it also makes it easier for them to send their own children. This applies especially in the case of girls. Those who take the first step in sending their daughters to school often find it difficult to go against the current norm. If school participation itself is the norm, things are much easier for hesitant parents. Compulsory education has an important role to play in shaping these norms and perceptions.

Having said this, it is easy to trivialise compulsory education and even to make it counter-productive. For example, if compulsory education involves authoritarian sanctions against recalcitrant parents (even those who face real difficulties in sending their children to school), it may undermine the perception that education is important for its own sake and foster resentment against the schooling system.

The fact that compulsory education can be trivialised was brought home to me in a striking manner a few months ago, in a conversation with a Block Education Officer in Rajsamand district

(Rajasthan). This was on 1st April, 1998 - a most appropriate date. As we were talking about recent education-related initiatives, the BEO suddenly remembered (just "by the way") that compulsory education was about to be introduced in the district. I asked him to tell me more, upon which he summoned his peon and instructed him to fish out the relevant papers. After a brief perusal of the documents, he said, "as it happens, it starts from today"! That was the end of the matter as far as he was concerned.

To conclude on the right to education, I second Dr. Pal's emphasis on education being both a human right and a form of human rights education. Campaigning for the right to education, too, is an important form of human rights education. It makes people more aware of their rights, and of the possibility of demanding these rights.

On the subject of human rights education in general, let me reiterate that human rights education does not happen only at school, it happens in life itself. It is an integral part of public action. I have already illustrated this point with reference to the campaign for universal elementary education. Similarly, the ongoing campaign for the people's right to information can be seen as an important form of human rights education for all those who are involved in it - from villagers in southern Rajasthan to supreme court judges. I hope that today's deliberations will not be confined to the issue of integrating human rights education in the school curriculum, even though that issue, I understand, is the main focus of this meeting.

NOTES

1. In a different context, I recently did a subject-wise count of newspaper articles published on the front page of one of India's main English-medium dailies over a period of three months ending in October 1999. I was startled to find that only one front-page article relating to human rights violations had been published over this period (this was a story about the rape of a dalit girl in Rajasthan). This contrasts with, for instance, 189 front-page articles on defence-related matters over the same period.
2. The PROBE Team. 1999. *Public Report on Basic Education in India*. New Delhi: Oxford University Press. [*Professor Jean Drèze was one of the team members of Public Report on Basic Education in India (PROBE). The team writes in the Introduction: "As this report comes to completion, elementary education is close to being recognised as a fundamental right*

of all Indian citizens. This is the aim of the proposed 83rd Constitutional amendment, which was introduced in the Rajya Sabha in July 1997. The fact that this proposal has been gathering dust for so long speaks volumes about the concern of political leaders for elementary education. Nevertheless, there is a good chance that the 83rd amendment will be adopted in the near future". It still remains a fond hope! - eds].

3. See Andre Beteille, "Record of Rights: The Marie-Antoinette Solution", *Times of India*, 28 January 1999.
4. See The PROBE Team Report, 1999, op. cit., Chapter 3.

Human Rights and NHRC's Contribution

Virendra Dayal

Justice M.N.Venkatachaliah, Chairperson of our Commission [National Human Rights Commission] was to inaugurate this Workshop. He had greatly looked forward to being here. Sadly, a personal bereavement, the passing away of his mother, has kept him away today. In cold comfort, you have me a substitute. Dr. Pal settled on me, I suspect, for a variety of reasons: partly in friendship; partly because he finds me something of an oddity - a civil servant with an open mind, who appears to believe in what he does; and partly because I have been a member of the NHRC since the day it came into existence: a dubious qualification, since it makes me answerable for all of its shortcomings - including, I dare say, the area of Human Rights Education, in which we made a spirited start but could, no doubt, have done better.

This workshop will, I hope, help us all redress the shortcomings, bring fresh ideas and energy to the undertaking, and help us realign our course to the extent this is necessary.

Human Rights Education is at the heart of the effort to promote and protect human rights. This is not a bureaucratic task or one that can be left to a handful of National Commissions, however well motivated or industrious. All thinking elements of civil society must be involved.

We are talking here of the radical transformation of beliefs that deny the dignity and worth of the human person; of bigotry and prejudices that have persisted for centuries; of injustices and inequities to which we have grown immune and inured – from which we have chosen to look away, because the truth is too frightening, or too inconvenient, or seemingly too impossible to alter. We are talking here of issues that have proven too embarrassing or too tendentious, to have been addressed openly and rationally.

A lack of honesty is not a vice of which Dr. Pal can be accused. I wish to thank him for his brutally honest paper [*the background paper published elsewhere in this book - RMP*] for this workshop. He is right in asking inconvenient questions:

- Are we truly a tolerant society or not? How do we "teach" tolerance in a society as complex as ours? Tolerance, on which respect for the rights of others must rest.
- Have the religions of our country - or some of their misconstructions and aberrant features - denied equality to women (sadly now substantially less than half of our billion people)? And have we fallen victim to faiths gone wrong?
- How can we possibly tolerate the inequities of the caste system, the manifest cruelties they impose on hundreds of millions of our compatriots and yet talk of equality under our Constitution, our Laws and Article 1 of the Universal Declaration which proclaims: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". Have we exercised `reason' and `conscience' towards one another? Can we be educated to do so, if we have not?
- Have we been rigorous enough, in writing into our text-books, an appropriate history of the towering figures that have stood for tolerance and human dignity, or not? Or have we excluded them – sometimes here, sometimes there – for political, caste, economic or other doctrinal reasons?

- How do we, in a federal polity, ensure that all States, regardless of the political parties in power, permit our schools and universities to write fearlessly and accurately on these matters? How do we deal with the bane of doctored text-books, as deadly, if not more so, than the bane of doctored post-mortem reports which we have received, too often, in the NHRC in cases of custodial death?

All of this, and more, we need to consider in our workshop. And it is truly fortunate that we have amongst us Professor Kothari and Professor Drèze. The first, who has already reminded us, in notably clear terms, that the pedagogy of Human Rights Education must draw from what is actually being experienced by the people of this country, and not be based on "trickle down" thoughts from an ivory tower. The second, who, with Amartya Sen, has had the courage to proclaim – till ears that were deaf have begun to hear – that our country cannot limp into the 21st century with 400 million of its vastly talented people kept in a state of illiteracy. I use the word "kept" advisedly, because many of us share their view that, in India, "both ancient and modern biases shape our policies reflecting prejudices of class divisions as well as of traditional cultures and that the elitist hold in both Hinduism and Islam" – as frequently practiced in our country – have added to our problems; we have, too readily, acquiesced in the illiteracy and subjugation of clearly identifiable groups in our society.

Distinguished participants, this is not the occasion to tell you in detail of NHRC's efforts to give meaning to Section 12(h) of its Statue, which requires the Commission "to spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means". But a few words are necessary, if only to avoid the folly of believing that, today, we shall be re-inventing the wheel.

In the NHRC, we are deeply aware that the fulfillment of this responsibility poses formidable problems in a country where, to start with, 400 million people are unlettered and 300 million are still condemned to live beneath the poverty line. To rely solely on seminars for such of our compatriots would be to mock their circumstances. For them, the way to best protect their rights is, above all, through good and honest governance, responsive to their needs – food, shelter, clothing, education and reasonable standards of health; from them will flow a life of dignity and a capacity to better understand and assert their rights. Far more is required at the other end of the spectrum as well. The relatively powerful must, above all, learn to exercise their powers with restraint, to know where their rights end, and where the rights of those who are weaker, begin. This means that the nuances of Human Rights Education require, for instance, to ensure the liberation of Dalits or the empowerment of women which must often be radically different from that required for the bureaucracy of the Irrigation Department of the Gujarat Government or the Sardar Sarovar Administration if it has to have relevance to life. It also means that there must be a large measure of decentralisation and autonomy in the Human Rights Education effort. Governments and National Commissions cannot say or do the things that NGOs or activists can and must say and do. It also means we cannot have an ideal, monolithic Human Rights Education programme devised singularly by Government or its agencies, though a core curriculum certainly can and should be devised, though even that will need modification and evolution in the light of experience, criticism and the emergence of new issues.

The Commission has, therefore, been following a strategy of many parts. These have included efforts to:

- Mobilise the Educational System with an ever increasing insistence that Article 45 of the Constitution be fulfilled and the right to free and compulsory Education upto the age of 14 years implemented, with an appropriate reordering of national priorities and resources:
- Working with the Ministry of Human Resource Development, the NCERT and NCTE to review text-books, prepare a Source Book of Human Rights, prepare modules for teacher training and other key personnel:
- Working with the UGC to start post-graduate courses in Universities – progress having now been made in a number of them:

- Establishing a Chair for Human Rights in the National Law School of India University and helping establish a National Institute for Human Rights in that University:
- Rewriting the training courses for police personnel at all levels in the country and participating in the instruction:
- Introducing increasingly, human rights education for para-military and armed forces personnel and speaking to all ranks of them:
- Interacting with political parties – particularly before general elections – and urging them to respect the human rights priorities of good governance and good electoral practice:
- Organising exchanges of view of high quality on various aspects of Human Rights and Human Rights Education, with the active participation of leading NGOs, the legal profession, jurists, academics, civil liberties groups and others:
- Encouraging and taking practical steps to further Human Rights Education for professional groups such as lawyers, doctors, judicial officers, bureaucrats, trade unionists, religious groups and others; two weeks ago a judicial Academy was inaugurated in Karnataka; we hope that it and other such Academies will contribute to major reforms in the criminal justice system:
- Highlighting issues that relate to the rights of the most vulnerable sections of society, in economic and social terms, and also the rights of groups such as the disabled (particularly those facing mental health problems).

In all of these efforts, we have tried to draw on the best possible advice from, and association with NGOs, activists, experts and leaders in the concerned field. I am only too aware that Dr. Pal, for one, feels we could have done more. I readily agree with him. Those who work for human rights can always do better. In our country, as Justice Venkatachaliah says, "It is a struggle with infinity", and whether in the area of Human Rights Education or the manner in which we deal with the 40,000 complaints we receive each year, I dare say we have a lot to learn and to improve, and systems to set in place, if we are to be worthy of our responsibilities. I, for one, suffer from a perpetual sense of inadequacy.

That being said, we cannot let the immensity of the task make us infirm of purpose. And while concentrating on the specific problems and difficulties of the people of India, in all their complexity and magnitude, we must beware of becoming parochial in our treatment of human rights or the way we seek to impart education in respect of them.

For better or for worse, Indians comprise 1/6th of the people of this planet, and we cannot step off it, though some of our more atavistic "leaders" may wish to. Human Rights Education must, therefore, also be a factor in an understanding of the wider planet of which India is a part. It is a planet in which, in this century, the bloodiest wars in human history have been fought.

- Some 100 million persons have been killed in armed conflict; and 120 million deaths have resulted from politically-related violence (in which race, ethnicity, religion, or political opinion has been a factor). South Asia has not been innocent of this savagery.
- While, at the start of this century [20th century], 5% of the casualties in situations of armed conflict were civilians, at the end of the 20th century, 95% are civilians – the bloody conflict in the Balkans confirmed this trend. Kargil was an exception, though deaths resulting from terrorism and insurgency attest to this trend.
- The planet today has 50 million refugees and displaced persons.
- Never before has human rage been directed so vehemently against its own species. Never before has that destructiveness taken such a toll, in addition, on other forms of life, or on the very eco-systems on which life itself depends.

And we are afflicted with five inter-locking and cruel disparities, which Mahbub-ul-Haq identified, in all parts of the world:

- In income and wealth - between and within nations;
- Between urban and rural areas;
- Between regions within nations;
- In gender inequalities;
- In ethnic and racial inequalities.

India is a part of a world in which:

- The 3 richest persons have assets that exceed the combined GDP of 48 of the least developed countries. And the wealth of the 32 richest persons exceeds the total GDP of South Asia.
- A world in which, of 4.4 billion living in developing countries, the largest number without adequate sanitation, drinking water, adequate housing, adequate schooling or nourishment, live in South Asia and, specifically, in India.

Our Human Rights Education has to be such as can deal with these painful truths; it must be powerful and comprehensive enough to help us find a way of having the dignity and worth of each of our compatriots asserted, despite these fearful odds.

Finally, the purpose of Human Rights Education must be to help each of us realise that these rights, of which we speak, belong not to the chosen few, but to all. They are foreign to no culture, they are intrinsic to all. All people share the desire to live in dignity, to be protected from "the insolence of office, the proud man's contumely" all people abhor the horrors of violence, of deprivation, disease, torture and discrimination. It is this universality that endows human rights with the power to cross borders, to breach the walls of sovereignty, to defy arbitrary force. These rights – civil and political, economic, social and cultural – are indivisible. One cannot choose among them, ignoring some, while insisting on others. Only as rights equally applied can they be rights universally accepted. Any other approach is a prescription for discord, between and within nations, between peoples, between the rich and the poor, between the strong and the weak.

Human Rights Education in India: Unresolved Problems of Perspective and Pedagogy

Imtiaz Ahmad

There can be no doubt that human rights education should constitute a part of the educational curriculum in a democratic society. The question is how that education should be imparted to students. On this question, a clear perspective does not at present exist. This is surprising. Issues relating to the level at which education in human rights should begin, what should be its thrust and how it should be taught are closely linked to this question. Therefore, in this short paper I propose to address this question so that problems of perspective and pedagogy can be clarified.

Let me begin first by raising the question of the level at which human rights education should be introduced. This question should have been debated extensively through involvement of teachers at all levels of the educational system. Teachers should have been asked to indicate at what level they felt human rights education could begin and why they thought that introducing human rights education would be inappropriate. This could have been done through organisation of seminars of teachers from the primary schools to institutions of higher education. This was not done. Instead, the issue was foreclosed right in the beginning by the University Grants

Commission taking the initiative for promoting human rights education in universities and institutions of higher learning. One would have been happier if the issue was kept open and was decided through a wide-ranging discussion among teachers at all levels of the educational set-up. If the decision were reached through the process of such discussions, the rationale for introducing it at a particular level would have been clarified. As no wide-ranging discussions were organised, we are completely in the dark as to why human rights education should begin with higher education and not earlier.

I raise this question because a case can easily be built for human rights education to be introduced at an earlier stage. Higher educational level may be too late to start educating about human rights. Educationists and social psychologists tell us that children acquire their basic values early in life and the values they are able to imbibe at this early stage stick with them for the rest of their life. One is reminded of the work of Amar Kumar Singh on the formation of communal stereotypes in children. It showed that perceptions of children about their community vis-a-vis others developed early and were likely to persist throughout their later life. No doubt, they could be changed subsequently through processes of re-socialisation, but the chances of success were slender. Attitude engineering was in itself a considerably difficult thing, and when it came to perceptions about one's religion, community or people vis-a-vis others they were hard to break.

If such findings are to be relied upon, and there is no reason to suspect them on any *a priori* grounds, then it would seem that what is true of communal attitudes and perceptions can be equally applied to human rights. Human rights are about the rights of others that we should respect as much as about rights that we ourselves claim. If we grow up with the conviction and belief that our rights are sacrosanct and we hardly have to bother about the rights of others, such a belief can be difficult and hard to break or change in later life. This being the case, it would seem that human rights education should begin as early in life as possible. If it is introduced at later stages of the education process, the chances are that by the time a child gets there his or her attitudes would have already hardened so much that they would be almost impossible to change. The case for the introduction of human rights education at an early stage of the educative process thus seems strong.

Those opposed to the introduction of human rights education early in life often invoke the argument that human rights are too abstract a concept to be introduced too early in the education of a child. Frankly, this is too facile an argument and does not make sense. If a child can be introduced to the intricacies of plant life, human organism or the universe (whose teaching begins in our schools at an early age), one fails to see why human rights education should necessarily be postponed until later. It is not as if abstract things cannot be taught to a child at lower levels of educational process. It simply means that they ought to be taught at a less sophisticated level of abstraction than would be possible at higher levels. Thus, the argument that human rights education is too abstract a subject and a student would not grasp it if he or she is exposed to it too early in life does not seem entirely tenable either in terms of educational theory or current practices in educational curricula.

Purely from the perspective of efficacy and practical relevance, human rights education ought to begin as early as possible in schools. Ideally, if it were possible to educate parents through modern communication technologies to take on the responsibility of creating a sense of human rights among their children, human rights education should begin in the home itself. Since this does not seem possible in the foreseeable future, all the more in a national environment where the thrust is towards denial of human rights, human rights education should begin early at school.

Closely linked to this is another issue. It is whether human rights should be taught as part of the curriculum or as a distinct subject. On this question again a clear position does not seem to emerge from current discourse and academic practice has a tendency to be remarkably confused. A year or so ago the University Grants Commission issued a circular to university vice-chancellors soliciting responses and proposals as to how human rights education might be developed. The vice-chancellors in turn referred the circular to different faculties in their universities. As far as I have been able to ascertain, the general opinion expressed by the faculty members at such discussions was that human rights education should be built into the teaching programmes of the different disciplines rather than be introduced as a subject of study and research in itself. No further discussion took place thereafter on how this was to be done. In other words, how the different disciplines were to be sensitised to human rights was left open. Brushed under the carpet would probably be a better expression to characterise what actually took place. Nonetheless, the University Grants Commission had ideas of its own. Whether these ideas were mandated by the grant under which the initiative to promote human rights was taken or were those of the powers at the helm of affairs at the time, is difficult to say. One thing is clear, however. The University Grants Commission sanctioned liberal grants to university departments and colleges, already starved of funds for academic engagement, to hold seminars on human rights to which only the initiated were in any case to be (and were actually) invited as well as decided to set up separate units for the study of human rights. In other words, the decision on this issue again seems to have been taken without any conclusive discussion as to whether human rights education would constitute a part of the general programme of teaching of disciplines or would be promoted as a separate area of teaching and research.

I raise this question because a clarification of the modality of teaching human rights would be badly required if human rights education has to be institutionalised in the country on a long term basis. If the objective is merely to be able to show over the short run that human rights education has a place in the country's educational programmes, then it would hardly matter whether the issue of modality of teaching human rights is clarified. In a flurry human rights departments and programmes can be floated in universities and colleges here and there with whatever funds have been received or earmarked for the purpose. Once the funds dry up or political priorities change, the departments and programmes may be wound up or their support withdrawn, leaving universities and colleges to fend for themselves. The University Grants Commission has been doing this with respect to similar programmes. At one time, perhaps under the great American fashion for area studies, departments and programmes in area studies were floated indiscriminately without even bothering whether expertise to man them was available. Again, after the United Nations and other agencies took the initiative to promote women's studies departments, programmes of women's studies were similarly floated widely. The University Grants Commission is now taking measures to wind up such departments and programmes even if, starting haltingly and grappling in the dark, some of them have begun to produce excellent academic work. A similar fate would most probably attend the current flurry of activity for promotion of human rights education.

This brings me to the question of an appropriate pedagogy for human rights education. Should it be taught routinely to generate familiarity with the concept of human rights? Or, should it be used as a means of promoting a revolutionary consciousness so that those having been exposed to that education become active agents for the struggle for human rights. Anyone who has been a part of the teaching process at any level will easily admit that even a potentially positive subject like human rights can be taught in a most routine manner so that it would eventually entail communication of the concept of human rights without contributing to the growth of a critical consciousness. It is possible to design a curriculum for human rights education in a manner that information on what are human rights and how they developed is imparted without making the recipient capable of relating human rights to his or her own daily experience in concrete situations.

On the other hand, human rights can also be taught in a way that those exposed to human rights education become active agents of struggles against social and political oppression and exploitation in everyday life within the family as well as in society. If I am able to understand the various human rights covenants, then it is clear that the principal thrust for human rights education (which was clearly outlined at the Vienna Conference as well) would have to be to promote an activist perspective on the part of the people so that through their intervention a good society is able to emerge. If this perspective had to build into human rights education in India, then the issue of a relevant pedagogy becomes imminent. It should have been articulated through intense discussion over a period of time on the part of human rights experts and teachers from the primary to higher levels of the educational process. Such a process would have contributed to the rise of a large number of teachers who would be eventually required to teach human rights. Unfortunately the University Grants Commission in its hurry to advance human rights education had no patience to sustain the process of such dialogue and discussion over a long enough time. This reflects how even educational bureaucracies can take an extremely routine attitude towards substantial questions of human welfare.

One of the great tragedies of the contemporary Indian situation is that a relatively small number of children are able to go into channels of formal education and even smaller numbers go in for higher education. Under the circumstances, if the base of human rights education has to be broadened, then it cannot be limited to institutions of formal learning. It would have to be extended to include those (and they constitute a huge number) who are at present not listed for formal education at all. In the strategy of human rights education this population does not figure at all. It appears to me that the current strategy of human rights education, quite apart from the other weaknesses to which attention has been drawn earlier, ought to be reoriented to address this large population as well. Towards this end, a better strategy would be to set up Human Rights Documentation and Teaching Centres in each of the principal zones of the country to carry on the task of human rights education. On the one hand, such centres would be in a position to develop teaching expertise in human rights through constant interaction with trainees. Second, they would be in a position to balance out the maldistribution of teaching facilities which inevitably result when funds have to be selectively distributed. Academic centres in the metropolitan cities end up securing large quantum of funds and peripheral locations are left high and dry.

Experience as well as academic information tell us that the venues of the most severe kinds of human rights education in the country are those where neither the concept of human rights is known nor facilities for expanding knowledge and consciousness presently exist. For example, this is in large measure the case of north-east India. Even the University Grants Commission, when it started promoting seminars on human rights a year ago, did not support a single seminar in that region. The requirements of such locations and people living there for human rights education is the highest and their need should be taken seriously into account if human rights protection has to be broad enough. Human rights is not merely a concept. It has to become a movement in which all Indians can become equal partners.

A Pedagogy For Human Rights Education

Ambrose Pinto

Introduction

The introduction of human rights education in schools and colleges in recent years is a progressive step and the various bodies involved in evolving a programme for human rights education deserve to be commended. However, what is discouraging to note is that the subject is taught as an academic discipline. When the subject becomes an academic discipline students learn the subject like any other. In the process, passing an examination by memorizing notes becomes more important than a commitment to the victims of human rights through a dialogue with them and fighting against the violators of human rights.

The fact is that education by its very nature is meant to maintain the "status quo" or the existing system. Human rights education on the other hand is meant for conscientisation or to arouse critical consciousness in education – to question traditions, structures, and other internalized beliefs, myths and understandings. The purpose of the subject is to look critically at the social situation in which we find ourselves and take initiatives in acting to transform the society that has denied participation in decision-making to the

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majority. How to make the majority participants in decision making is a central question in human rights pedagogy.

To a university system characterized by stagnation, irrelevance and ineffectiveness, that had always supported the existing socio-cultural and political system, Human Rights Education was introduced to arouse the conscience of the students to the extraordinary oppression, misery, suffering and pain of the people around them so that they become agents of change. At least that is what I think Universities in terms of their profession have proclaimed that their role is to contribute to a change of system.

Context of Human Rights

However, one is not very sure whether the course was introduced by experts sitting in "ivory towers" or by people involved in people's struggles. Human Rights course by its very nature when introduced in the university system cannot be a mere theoretical course or just a practical programme. The pedagogy and contents of teaching and learning must evolve from the nature of the programme, the purpose for which it exists and its subject matter.

The subject matter of human rights education has to be the vast masses of people, 43% of Indians according to the latest statistics, who live below the poverty line. Oppressed by a culture of domination they suffer from structural injustice. Despite all programmes and developments, India's social structure still consists of endogamous groups, each one repelling the other. Their class identity is continuously mediated by caste membership. Human Rights violations in India take place as a result of a civilisational crisis, a product of two processes – the crisis in the caste order closely linked to the capitalist system. Caste system is a system of violence and oppression. It engenders an entire way of life and behaviour. Subtle violence is inflicted by the upper castes. Everything surrounding their world is an object of domination. The earth, property, human beings, production is reduced to an exploitative process. The poor, specially the Dalits, tribals and women suffer untold misery and hardship.

Caste is the fundamental basis of our social structure. To term it as a mere social problem is a mistake. No political party in

India can successfully win elections without manipulating the arithmetic of caste to its advantage. Even the bureaucrats are appointed on the basis of caste and offer their allegiance to the political masters depending on their caste. State patronage is bestowed on people on the basis of those who operate the system. Even the judicial appointments and judgements are not free from caste considerations. At the social level, the caste system has become stronger than before. Atrocities on dalits and tribals have been brutal. Whether it is Ramabai Ambedkarnagar incident in Mumbai or Jehanabad massacres in Bihar, the nation as a whole remains indifferent to attacks on them. At the level of economics a large number of hospitals, schools, colleges, business centres, land and capital are managed and controlled by the so called upper castes. Marriages take place within caste. Parents and relatives come down heavily on their adult children for marrying someone outside the caste system. Even religion is controlled by the powerful castes. Society today is highly communalized on caste terms.

In fact, when we carefully and critically examine the economic crises of the country, its roots are to be discovered in the caste order. Corruption has seeped in. Hoarders and traders plunder and loot the poor. Hoardings take place to push the prices of essentials. Public funds meant to root out illiteracy are pocketed by vested interest groups. Caste wars are to negate the right to life to the downtrodden hailing from marginalised caste groups. There is an intimate relationship between caste and relations of production and exchange. The competition between capitalists for capital and for markets and the ownership of land is determined by caste. The dalits as a group own no or little land. All over the country the business class and the zamindars are from dominant castes. The oppressed castes are denied even basic education. Statistics reveal even today all scavengers, sweepers, cleaners, bonded labourers and child labourers are from dalit and tribal communities. Those in higher profession, business and trade hail from a few specific upper castes.

Because the caste-capital nexus is so intimate schemes meant for uplift of the SCs/STs and MBCs (most Backward Classes) do not really take off. Public money and public property is destroyed or misappropriated by the castes managing the state. State has not seriously responded to the mandate on Directive Principles of State Policy pertaining to primary education. Illiteracy, chronic illness, lack of clean drinking water, life in filthy slums and villages with no amenities characterise the life of the lower castes.

The whole system of caste with its internalized beliefs, myths and superstitions does not permit the lower castes and classes to rise against the system but compels them to accept the system as God given. Globalization has added to the misery of the deprived. While globalization has provided immense wealth to the higher castes, those in the lower castes are deprived of the basic necessities of life. The separation of the rich and the poor takes place along caste lines and coincides between the lower and upper *jatis*. Consequently globalization has come to mean, unlimited opportunities for those in position to take advantage of them and destruction of hereditary occupations of millions of people like fisherfolk, agriculturalists, weavers, people in cottage industries and others. The mass media controlled by multi-national and transnational corporations is creating new desires for consumption and luxury goods which the poor can hardly imagine to acquire.

In the process, violence is the immediate response. Not only caste violence is on the increase in rural areas, the capitals and the metropolitan cities too have recorded higher rates of crimes and social tensions. When groups of communities are not in a position to satisfy the basic essentials of life and pushed to the wall by increasing prices and withdrawal of subsidies, some resort to suicides while others take to arms, weapons and disturb the social order. Violence is the natural outcome of discrimination.

It is a pity that the UGC IXth Plan Approach to Promotions of Human Rights Education in Universities and Colleges does not define the content for human rights education. The roots of casteism, communalism, corruption and violence are rooted within the caste system. And yet it is a pity, caste and capitalism have not been made the starting points of the programme. The course as suggested by the UGC begins with theories which is just like any other academic programme. What is proposed is that the course should begin with the concrete socio-cultural situation of the country instead of beginning from philosophical and cultural bases and historical perspectives. Theory must be evolved from experience and reflection.

Objectives of Human Rights Education

The central question is the very purpose of human rights education. In a situation where wealth is appropriated by a few and the rights of the majority are violated by society, state and markets what exactly is the role of human rights education? It is important to ask that question at this point. On the objectives of the subject will depend the pedagogy. In my understanding human rights education should have three important objectives:

a) Quality improvement in the lives of the victims of oppression

The role of the service agencies is to help individuals and groups with their problems. They have to be concerned about the masses and their education. Human rights education is not to be geared to service or charity. The objective of human rights education is justice – to provide an analysis of society to the clients of the programme so that they become agents of change in society and fight for the rights of victims of human rights violation. Involvement in issues of the people is essential for all those engaged in human rights education. The course if it has to bear fruit should have to integrate theory with encounter with real situations of life. Students will have to be trained through a process of experiences to understand reality so that they are able to work towards a human community where there are no violations of rights. Direct action on behalf of the victims of human rights violations through dialogical process could be the greatest learning that can take place. That is why net working with human rights groups and organisations becomes necessary. Voluntary organisations have vast experiences in involvement with people's struggles. Universities and Colleges by working with credible organisations can learn a lot in terms of skills to improve the quality of the lives of the victims of oppression.

b) Empower People

The tendency among human rights organizations is to hire lawyers for cases, request friendly politicians to make interventions or turn over the problem to a government agency. This is an institutional method of helping people. Those committed to human rights well understand the limitations of the method. Unless people are moblised for direct action to handle cases of discriminations, atrocities and unfairness human rights violations cannot be stopped. Mobilizing the power of the people builds confidence of the people and gives them a sense of their own power. Oppressed people in various parts of the counrty have handled their problems of drinking water, drainage system and fight against social evils through their own organizations. Can universities be part of the empowering process more by their presence and support than by their leadership and guidance? There is enough of leadership and wisdom with the people. Universities by involving themselves with the victims of oppression can learn from these instead of teaching and guiding. It is not enought to be a part of the NGO and voluntary world. It is equally essential to insert into the lives of the victims to build people's organisations.

c) Change the Relations of Power

Building people's organizations alters the relations of power. The state or the people on "the other side" must always consider the organisation when making decisions. In a democracy elected leaders do not intend to go against people's organizations primarily because of electoral battles. The existence of these organizations lessens violence on communities. The Dalit organizations in various parts of the country are a good example. Not only atrocities have declined whenever Dalits have organized themselves, they have also been able to bargain for positions in parties and government and instill a sense of confidence in their people. The ongoing Narmada agitation is another example. It is an oppressive state fighting against the people of Narmada.

These, I consider, are the three important objectives for human rights education. That is why I have stated that it is not an academic subject to be introduced for passing an examination by memorizing the content but a subject with an activist dimension to bring about change in society. How can universities bring about change in society? That brings us to the question of pedagogy. If human rights education is geared to protect human rights, pedagogy becomes essential.

Pedagogy for Human Rights Education

The starting point of all human rights education is an understanding of society where a majority of people are not permitted to live as human beings by an oppressive social, economic, political and cultural system. To be human and to live a life as human is the right of all human beings. And yet we know majority of the people in India have no human existence. To restore this right to live as human beings is the objective of human rights education. That is why the starting point of human rights education is to understand that the human community remains divided into humans and inhumans. As long as injustice, exploitation, oppression and violence remains as a part of life, human rights continue to be negated to that section. That is why there are two parties in human rights violations - those who violate human rights and those whose rights are violated. The task of human rights education is, therefore, to provide liberation both to the oppressors and the oppressed. How do we proceed? To be effective, human rights education has to adopt a pedagogy of CONTEXT, EXPERIENCE, REFLECTION AND ACTION. The theory then can be built on the particular pedagogy. Conditions have to be created and opportunities provided for the continual interplay of experience, reflection and action to transform students in the programme as agents of change.

For UGC the objectives are vague. Strengthening of people's movements to protect people's rights by people themselves nowhere occurs in the UGC document. Instead, the UGC guidelines propose linkages with National Human Rights Commission, National Commission for Women and NGOs. Let me be emphatic. All these groups could help or intervene in human rights protection. But none of them can protect people's rights. People's rights can be strengthened only by the people themselves. Therefore, the objective of human rights education should have been strengthening of people's movements by becoming part of them instead of establishing linkages with human rights institutions.

Context of Learning

It is one thing to talk about the socio-economic political context of the country while it is quite another to understand the context of students' lives who opt for human rights studies. Both these contexts are important. On the one hand human rights education must make students aware of the total reality of the country while on the other, students opting for human rights should develop an attitude of introspection and self-criticism. Their context of students life includes their family, peers, social situations, the educational institution itself, politics, economics, cultural climate, media and other realities. All of these have an impact. A reflection on these factors is important. They affect their attitudes, perceptions, judgements and choices they make when confronted with reality. The upper caste students given their internalized beliefs, myths, and attitude are not likely to be sympathetic to the cries of the dalits and other poverty stricken groups. Students need to become aware.

The socio-economic, political and cultural context, too, seriously affects students' judgements. A Yadav student in a course in human rights in Bihar is not likely to be sympathetic to the cries of the Dalits and their families massacred in Jehanabad. A culture of endemic poverty may not help dalit students to succeed well in studies. Parties like BJP and its ideological front Sangh Parivar while propagating a hostile ideology of Hindutva discourage open inquiry. These and a host of other factors can restrict the freedom of inquiry so very essential in human rights education.

The institutional environment is another important factor. Educational institutions are complex today. Several of them are casteist, some commercial and in many no learning takes place. A positive institutional environment is essential for human rights education. The climate of the institution will be the pre-condition necessary before human rights education can even begin. A college whose students do not feel as members of one human community, where freedom of questioning and inquiry is absent and when social groups are hostile and involved in partisan politics cannot really be in human rights education. Courses can be introduced because UGC has permitted or even encouraged it. But in the long run such courses will remain as subjects to pass an examination than to contribute to furthering human rights issues.

Experience

Human rights are no theoretical constructs. Violations of human rights take place day in and day out. The study of the subject calls for knowing facts, concepts and principles. It is essential to prove the connotation and overtones of words and events, to analyze and evaluate violations. Accurate comprehension of reality can lead to understanding the full meaning and implications. However, mere theoretical understanding cannot enable students to further the cause of rights. Human rights understanding should go beyond a purely intellectual grasp. The whole person's mind, heart and will should enter the learning experience. Affective as well as cognitive dimensions of the human person should be involved because without internal feeling joined to intellectual grasp, learning will not move a person to action.

It is one thing to read a newspaper account of suicides of farmers in Andhra Pradesh, Maharashtra and Karnataka as a result of removal of agricultural subsidies. This cognitive knowing can leave the reader distant and aloof to the human dimension of the tragedy. It is quite different to be out there where one visits the families, feels the impact of government policies, senses the immediate danger to life, home and possessions of other similarly placed farmers. Direct experience is usually fuller and more engaging. Not that all human rights teaching has to be experience centred. One can learn through vicarious experience. Historical settings, assumptions of the times, cultural, social, political and economic factors affecting the lives of the victims are essential. But they have their limitations. Direct experience with the people and their issues is vital.

Reflection

Once students are provided with experience, the next is reflection. At the stage of reflection, the memory, the understanding, the imagination and the analytical skills are used to capture the meaning and the essential value of what is being studied, experienced or happened. One learns to establish the relationship of the incident with other aspects of knowledge and human activity and realizes its implications in the search for truth. Reflection is a process that forms the conscience of the learners – their beliefs, values, attitudes and their entire way of thinking – in such a manner that they are led to move beyond knowing, to undertake action. Reflection, therefore, is a thoughtful way of looking at reality in order to grasp the significance of the event more fully. Two kinds of reflections are useful – one in the class room and another in the field with the victims of human rights violations. The classroom reflection helps the students to understand the comprehensive nature of human rights. Reflection with the victims is as essential if the programme is meant to train agents of change and strengthen people against violations of their rights. Reflection with the people means entering into dialogue for protection of their rights. What is the use of human rights education if it ultimately does not strengthen the people whose rights are daily violated and the students are not inwardly motivated to action?

Action

The acid test of human rights education is not passing an examination but involvement into action. The course has to be geared to the formation of students' attitudes, values and ideals according to which they would make decisions in a wide variety of situations of violations of rights. The objective of the programme is to form young people who would not silently watch crimes, atrocities and other violations of rights but contribute intelligently and effectively to the welfare of society. Real education into human rights takes place when the learners do not stop with mere understanding and affective reactions but move into commitments to the victims. Therefore, organizing people and joining movements meant to protect the livelihoods of people and their dignity should be a perquisite.

Analysis

The teaching of human rights course, therefore, demands among teachers and students a relationship of dialogue. It is not a subject for memorizing and repeating but for reflecting critically. The pedagogy, therefore, is a pedagogy of denunciation and annunciation. No pedagogy is effective without an understanding of society. Pedagogy is to formulate an ideal society, expressed as a dialogical praxis in which the teachers and learners together in the act of analyzing a dehumanizing reality, denounce it while announcing its transformation. "Denunciation of a dehumanizing situation today increasingly demands precise scientific understanding of that situation. Likewise, the annunciation of its transformation, increasingly requires a theory of transforming action"[1]. While caste, casteism, communalism, capitalism, hierarchical perception of society needs to be denounced, human rights programmes should announce egalitarianism, equality, liberty, concern, compassion and dignity to all. "There is no annunciation without denunciation, just as every denunciation generates annunciation"[2].

Humanization of society is the central task of human rights education. Concern for humanization leads to the recognition of dehumanization in society. The humanizing process is thwarted by injustice, exploitation and oppression by vested interest forces. The dehumanization of the poor is a concrete historical fact, the result of an unjust social structure. But it is not a given destiny. Situations can be changed. Once the causes for human rights violations are critically recognized through a process of experience and reflection one can get involved in transforming action and create new situations.

Those who are crushed by the structure of domination – the dalits, tribals, minorities and women – are in a situation of resignation and afraid to wage a struggle. The primary target of human rights violations, the dalits, tribals, minorities and women, feel incapable of running the risk because they are fearful of greater violations of their rights. How can students in human rights programmes in universities and colleges contribute to a process of liberation of the oppressed should be the central question in human rights courses. For the victims of human rights to fight for their rights, they have to perceive the reality of oppression. The universities here can be of help in providing awareness and working as motivating fac-

1. Freire, Paulo. 1972. *Cultural Action for Freedom*, Penguin Books, p. 40.
2. Ibid. p. 41.

tors. A solidarity of purpose is necessary between the victims and the universities. What do we mean by solidarity? Solidarity is entering into the situation of the human rights victims and fighting on their side.

An "ivory tower" approach to human rights education, therefore, is counter-productive. It should not be a subject for teaching but a subject geared to action. The idea is not to study human rights but to provide better quality of life to those crushed by structural and institutional violence. A worthwhile pedagogy cannot remain distant from the victims of human rights violations. Pedagogy should deal with the problem of the consciousness of the victims as well as of the violators. It must take into account the behaviour and world-views of both the victims and the violators of rights. Never in history of the world violence has been initiated by the powerless. Human rights course, therefore, should be to initiate critical and liberating dialogues with the powerless which presupposes action. Attempt to liberate the victims of human rights violations without a dialogue is to treat them as object. Therefore, the primary focus of human rights teaching should be centred on dialogue. Teaching of human rights has to be dialogue between victims of human rights violation and the students. Only a dialogue can enhance respect for the victims and help the students to get rid of pre-conceived notions of hierarchy, inequality and injustice. The task of human rights education is to liberate the students from the clutches of pre-conceived ideas and the ideological prisons they are imprisoned and move them into action. A pedagogy of experience-reflection and action, therefore, is ideally suited for the purpose.

Conclusion

"Being"is more important than "having". The vocation of every human being is to be human. When humanity is not respected due to caste, religion, status, power or greed not only rights are violated, loot of wealth, possession and property takes place. Caste system gets strengthened. Women's rights get neglected. What the country needs is a massive awareness of violations of rights through institutional and non-institutional means. Mere introduction of the course without long term vision of transformation of the system could mean to cover up the sins of violations of rights through academic rhetoric. In the past our profession of compulsory education, women's education, empowerment of SCs/STs and minorities has not matched practice. Will the human rights course go the same way? If one glances at the Human Rights Education guidelines of UGC it looks like. It is unfortunate that a course that should have been evolved in dialogue with the poor, helpless and others working with them is prepared in hot houses. No wonder the whole programme, therefore, looks geared to a degree or diploma.

REFERENCES

Freire, Paulo. 1972. *Pedagogy of the Oppressed*, Penguin Books.
— 1972. *Cultural Action for Freedom*, Penguin Books.
— 1990. *Ignatian Pedagogy: A Practical Approach*, Gujarat Sahitya Prakash.
— 1991. *Organising for Social Change*, New Delhi: Affiliated East-West Press Pvt. Ltd.

Human Rights Education in India

(A background paper)

R.M. Pal

When we talk of Human Rights Education, the point of reference is violation of human rights. So human rights activists and intellectuals must never be apologetic in exposing human rights violations. What follows is in this context.

PART - 1

I

The National Human Rights Commission (NHRC) soon after its inception in October 1993 set out to introduce Human Rights Education in schools, colleges, and universities. It was in pursuance of Section 12 of The Protection of Human Rights Act 1993 which reads: "The Commission shall undertake, protect, and *promote research* in the field of human rights (and) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means" (emphasis added).

One of the key words in this Section is "research". Research involves much more than a textbook study of our constitutional provisions, international charters and covenants like the Universal

Declaration of Human Rights (UDHR). To give just one example. Article 1 of the UDHR states that all are born equal and in dignity. Now, our divinely ordained hierarchical system is in contradiction with this provision. It needs research. More about this later.

Mr. Justice Ranganath Mishra, former Chairman of the NHRC, and now a Member of Parliament got along very well with the then government headed by Mr. Narasimha Rao. He wielded power. All the ministries and departments and the UGC agreed to cooperate with the NHRC in introducing Human Rights Education as a subject. For whatever reason, none could annoy him!

In that connection, in an editorial note in the *PUCL Bulletin*, (monthly journal devoted to civil liberties and human rights published by People's Union for Civil Liberties) August 1994 I had commented:

> "Civil liberties and human rights groups and activists have been talking about introducing Human Rights as a subject of study in schools and colleges, as also for law-enforcing agencies, security forces and the army. Some years ago, the University Grants Commission had set up a committee (Sikri Committee) for the purpose—no body knows anything about the outcome. [The NHRC was not aware of the committee. When they read about it in my editorial note, they approached the University Grants Commission. The UGC was not able to trace any copy of the report! The NHRC then got in touch with a retired employee of the UGC, got him from Lucknow, paid his expenses! He was able to dig out a copy from a dusty corner of the UGC building!] The Delhi University Vice-Chancellor known as a human rights intellectual [Professor Upendra Baxi] has constituted a committee of teachers—not many of the names would inspire confidence—to go into the question of introducing the subject in the light of the recommendations of the UN Conference on Human Rights Vienna, 93—he does not make any mention of the provisions of the 'The Protection of Human Rights Act 1993'. And now, the National Human Rights Commission (NHRC) has started giving active thought to implement the provisions of Section 12 (under Functions of the Commission) of The Protection of Human Rights Act 1993. ...
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> "The Chairman of the NHRC, Justice Ranganath Misra [wants] that human rights ... be taught as a subject right from primary school continuing upto the secondary level. The NCERT is engaged, we are told, in preparing a syllabus and study material. All this is fine, and needs to be done to promote the cause of human rights—the cause of freedom of the individual. It appears, however, that the NHRC and research institutes [are] in haste to introduce human rights as a subject of study, even though not

> much thought and research has backed the proposal. There has hardly been any discussion on the intellectual plane, any seminar, any get- together of people—not merely academics and theoreticians of great renown but also the sensitive, considerate, creative and committed to social justice who will make an earnest endeavour to create something that will endure.
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> "Let us give only one example of lack of adequate thought in this regard. One of the worst forms of human rights violations and infringement of civil liberties is caused by Varnavyavasta (the Varna System)—directly or indirectly. Other widespread abuses like custodial rape, torture, and killing flow from this. How does one drive home the truth?—the Varna system is fine but untouchability is harmful? Well, even angels should fear to tread on such slippery ground where men like Gandhi and Ambedkar failed. The Constitution of India has prohibited untouchability : 'Untouchability' is abolished and its practice in any form is forbidden (Art. 17 under Fundamental Rights). There is no explanation however about the source of untouchability; and whether or not it is desirable to dismantle it to usher in a society where there will be social justice.
>
> "What will be the scenario in a classroom where the subject is taught by educators whose concept of social justice in relation to the Varna system is incompatible with what has been stated in the Universal Declaration of Human Rights, or even with the Fundamental Rights and Directive Principles chapters of our Constitution? We saw this during the anti-reservation stir—the English educated middle class and upper middle class intelligentsia in north India [including Marxists, communists and even humanists] had gone berserk over the issue of social justice. So that the children will be brainwashed by those whose concern for freedom and rights is different from what the Universal Declaration and other covenants have stated.
>
> "Have we given enough thought to the question that concern for human rights, concern for the individual and his/her freedom is intimately connected with a particular way of life, that is, democratic way of life where the individual is not a mere cog in the wheel but is supreme, or that the dignity of the individual and an authoritarian culture are contradiction in terms; or even that we have inherited a predominantly authoritarian culture on which we have been wanting to graft a democratic system. We may perhaps recognize the fact that we have not yet prepared the soil—the soil is still not ready to receive the seeds that we want to sow. These are some of the questions which need to be given thought to before we set out to prepare our children to go through a formal course of study on human rights and human dignity".

The then the Secretary-General of NHRC Mr. R.V. Pillai, responded to the comments saying:

> "The National Human Rights Commission is in agreement with the view that in preparing a curriculum for human rights education, there has to be

> involvement of not only academics but also individuals and organisations which are sensitive and committed to the issue of human rights. I am in the process of working out a list of organizations and individuals with whom the Commission could have a dialogue on the evolution of curricula at various levels. I shall be happy to receive any suggestions that you or the PUCL may have in this regard" (*PUCL Bulletin*, October 1994).

I don't know of any interaction that the NHRC had with any non-establishment intellectual/activist or human rights group, except a seminar organized by the Delhi-PUCL and the Indian Social Institute with the support of the NHRC, the background paper of which was written by me. This was the only brain storming session in which the NHRC had a dialogue with NGOs and academics. It is regrettable that the NHRC did not have any more dialogue with NGOs[1]. In any case I have made brave, but futile, attempts to bring the NHRC closer to dissident intellectuals.

I also requested some intellectuals to write on the subject—these were published in the PUCL Bulletin. (See appendix—extracts from Professor Rajni Kothari and Professor Sibnarayan Ray's articles).

Instead of having a dialogue with NGOs, the NHRC asked the National Council of Educational Research and Training (NCERT) to prepare a course of study. The NCERT produced a Source Book. It contains summaries of relevant portions of our constitution, international covenants, etc. If respect for human rights could be cultivated through these documents, we would have attained this long ago, for our students have been reading the constitution since the 'fifties'!

II

According to the NCERT, "Human rights Education is not an independent area in the school curriculum but its various aspects and discussions have been integrated in the curriculum of various school subjects and the educational materials, particularly textbooks based on them". The NCERT has been guided by what has been stated in the National Policy on Education adopted in 1986 (revised in 1992).

The NCERT has brought out a large number of textbooks on social sciences – civics, history, sociology etc., some of which could be read with profit by human rights educationists and students. But some of the textbooks are misleading and the authors tend to indulge in half-truths. Let me refer to only one such textbook for students of class VIII. In the chapter, "The Caste System", there is no mention of those who are outside the four varnas (i.e. untouchables, known as Dalits). The authors of the book write, "some of the Shudras were called `untouchables'... Mahatma Gandhi agitated against the inhuman treatment meted out to the people of the Shudra caste". It is hardly necessary for me to comment on this.

Among social reformers apropos of the caste system the authors of the book make reference to Ramanand, Kabir, Shri Chaitanya, Raja Rammohun Roy (writing his name, Ram Mohan), Ishwar Chandra Vidyasagar, Dayanand Saraswati and Mahatma Gandhi. "Mahatma Gandhi organized movements against caste discrimination". Did all of them fight against the caste system in an organized manner? I am afraid there is a bit of distortion of history here. Further, there is no mention of the authority which prescribed the system.

In another chapter, "Untouchability", the authors write, "As you know, untouchability is a very common term and you also perhaps know what it means". Do girls and boys—12/13 years old—know "what it means"? The writers then suddenly introduce the term, "Harijan", but there is no explanation.

The writers mention a few names who fought against untouchability, but Dr. Ambedkar's name is not there! (Did anyone fight against untouchability and the caste system more systematically and valiantly than did Dr. Ambedkar? Basically, he was a human rights intellectual - activist).

It is hardly necessary for me to add that some textbooks brought out by state governments and their education departments are horrendous and dangerous. The NHRC must scrutinize them. Let us give a couple of samples – indeed, "gems"! A school textbook in UP: "Hindus had to give away their daughters in marriage very early for fear of the Muslims"; "The Purdah system and child marriages became common because of the bad character of the Muslim rulers". Another from a Madhya Pradesh textbook: "Ancient India was a Hindu Rashtra" and "Mughal intolerance led to the rise of Hindu nationalism".

III

Let us be clear. Merely battling with either human rights violation by the State and to introduce human rights education only in this context, will not do. Nor will it serve any useful purpose if we confine ourselves to a study of human rights in the legal context only. We have, in our country, highly knowledgeable scholars and academics who can keep us spellbound for hours – mentioning the exact numbers of Covenants, Conventions, protocols, and so on; these are on their finger-tips – and how many of them have been signed, how many ratified by different countries, and so on! These are no doubt important, and we have plenty of reading material on these information related subjects. But do we have material on the ground realities? The fact is that in the context of India the issue of social justice which is very important, is not taken seriously.

There is, I am afraid, confusion of what the human rights agenda needs to be in a pluralist, multi-religious, multi-cultural (tolerance must not be confused with pluralism), and highly complex country like ours. We need to have an Indian movement that must provide an agenda for our society – here the State has criminally neglected to play its expected role in social welfare and social justice. Let me refer to the latest perfidy. The present government led by the BJP conferred Bharat Ratna on the Nobel Laureate Amartya Sen. Fine, indeed! But this very government declined to bring a bill before the Parliament (before the Lok Sabha was dissolved) making basic education a fundamental right, that is, the provisions of Article 45 of the Constitution which is now in the Directive Principles Chapter. It must be added at once that the 1993 Supreme Court judgement has declared that the provisions of Article 45 are now fundamental rights. And yet the State continues to take cover under the plea that Article 45 is not justiciable. Well, in India the State "must have the right to break its own laws" as Goebbels proclaimed in Nazi Germany!

To get back to Amartya Sen and the Bharat Ratna. His thesis with regard to basic education has been made to pale into insignificance. Note what Professor Amartya Sen and his co-author Professor Jean Drèze write with regard to the non-implementation of the social welfare programme of basic education (it is Amartya Sen's thesis that without universal basic education no development including economic, is possible):

> "In India, both ancient and modern biases shape our policies reflecting prejudices of class divisions as well as of traditional cultures. The traditionally elitist tendencies of the ruling cultural and religious traditions in India may have added to the political problem. Both Hinduism and Islam have, in different ways, had considerable inclination towards religious elitism, with reliance respectively on Brahmin priests and on powerful Mullahs. The elitist hold is quite strong in both these religions. This contrasts with the more egalitarian traditions of Buddhism. [There is an obvious reference to the hierarchical caste system]. The difficulty in getting even left wing parties interested in combating inequalities in education relates to the general social atmosphere in India including the nature of the leadership of the different parties which take some major disparities as simply 'given' and not particularly worth battling against in view of other—perceived to be more 'pressing' – challenges".

What are these "pressing challenges"? – nuclear explosions, to spend about rupees one crore on a lecture (one of the Prime Ministers, Mr. Narasimha Rao went to Paris only for one day to deliver a lecture on Mahatma Gandhi – Gandhi would have been happy if this amount were spent on basic education), to provide security guards to politicians at great cost (terrorists would even hate to go near some of these diabolical politicians not to speak of killing them and making them `martyrs'), providing luxurious bungalows to the politicians and bureaucrats, and so on. We have money for everything, but not for basic education. In any case human rights educationists cannot ignore the problems of "ancient and modern biases", and "elitist tendencies ... and religious elitism of Brahmin priests and powerful mullahs" if we want to put a stop to human rights violations perpetrated on children by depriving them of their basic right—schooling. I don't know if Amartya Sen had some eerie feeling on receiving Bharat Ratna! Look at the irony. You don't implement his thesis but welcome him with a garland of Bharat Ratna, and Amartya Sen accepting it! Can there be anything more ludicrous than this. However, my congratulations to Amartya Sen, belated though!

In the context of Article 45 and child labour, when I look around I find that in my campaign (a campaign with grassroots activists which has now been started by Professor Jean Drèze of Delhi University should be supported actively by all those who are concerned about human rights) for implementation of Article 45 – through my writings since 1990 – I do not have the privilege of having the company of many – in fact, there are not many takers for the implementation of Article 45. (Let us not confuse the provisions of Article 45 – compulsory basic education to children upto the age of fourteen – with literacy, literacy campaign, adult education, non-formal education package, and so on)[2].

Let me add that those who maintain that this social welfare programme cannot be implemented for various reasons and yet, at the same time, bring out plans for eradicating child labour, indulge in unalloyed hypocrisy. Child labour is, of course, one of the most atrocious forms of human rights violation. What I have been stressing over the years is that deprivation of basic education is also a human rights violation – equally obnoxious and atrocious, if not more. This second aspect has been almost totally neglected, both by Indian NGOs and those from abroad. They have been concerned, rightly, with child labour; but they have hardly been agitated over non-introduction of universal basic education. Why? This must be investigated by the NHRC and others who are engaged in human rights education. They might find that one of the reasons is the middle class mindset which would have taken this violation seriously if the victims belonged to their class – the NGOs too belong to this class; the fact is that the victims, almost all, belong to SC/STs, OBCs, the Muslim minority, and the girl children.

The NHRC has recommended implementation of basic education in the context of eradication of child labour; it has taken up violations of human rights – child labour – seriously. What I suggested to the NHRC is that it should start a movement, independent of child labour eradication, for implementation of the provision of Article 45 non-implementation of which is a human rights violation. If the point of reference is human rights violation, human rights educationists and authorities cannot ignore these aspects.

The NHRC recognizes that "it has a special and inescapable responsibility to protect" these "most vulnerable" sections, but does not spell out as to how they propose to go about. The importance of human rights education is to be recognised in this context.

Even a cursory reading of courses of study, and more particularly the reading material prescribed in various universities would leave no one in doubt that the NHRC, the UGC, and research institutes have been in haste; not much thought and research has backed the preparation of courses of study and reading material. It has already become a mini-industry. (Apropos of mini-industry, I may refer to a three-day seminar on human rights which was organised by the UNESCO and the NHRC in February 1999 – reportedly spending Rs. 75,00,000 (seventy five lakhs!). It was a disaster, to put it mildly!) In fact there is hardly any reading material on contributions made by India's human rights intellectual- activists. Even when they make reference to them and movements in India, the list is selective and arbitrary. For example, some have referred to only Gandhi; some have presented only Gandhi, Ambedkar and Dr. Lohia. One hardly comes across any reference to the medieval period, or to the 19th century renaissance, specially in Bengal and Maharashtra and contributions made by intellectual-activists of this period.

IV

Let me briefly refer to a syllabus framed by a central University – Post-Graduate Diploma in Human Rights.

The paper entitled, "Liberal Perspectives" prescribes the following thinkers: Rousseau, Thomas Paine, J.S. Mill, Dicey, John Rawls, Dwarkins, Russell. Two short points: Why should our political science teachers be so allergic to other liberal thinkers including those form India? Second, thinkers like Bertrand Russell have a different opinion about Rousseau.

There is another paper exclusively on Marxism in which the thinkers prescribed are: Marx, Mao, Rosa Luxemburg, Gramsci.

Again, two short points. One, how does one resolve the contradiction between Marxism and human rights? Two, if one includes Mao, why write off Lenin? (is it because the Soviet Union has crumbled?). How will a perceptive student reconcile to such an arbitrary selection which does not include even Engels?

The paper on Indian heritage includes Gandhi, Ambedkar, Lohia, Buddha. Obviously Buddha has been included as an afterthought. Otherwise, how can one leave Mahavir, and also the medieval period the core philosophy of which was tolerance? Furthermore, to limit the Indian heritage to only Gandhi, Ambedkar and Lohia is an insult to a number of many distinguished human rights intellectual-activists of the 20th century[3].

When one refers to socialist revolutions in former Soviet Union, East Europe and China in the context of historical perspectives of human rights as the syllabus referred to above does, is the reference directed at human rights violations or respect for human rights?

I may make a reference to National Law School of India University, Bangalore which has produced considerable material on the subject. Their material and syllabus, course outline and references may be analysed in the light of what I have stated in this paper. I am not suggesting that our universities have not given thought to the problems that I have mentioned. The Law School of India University has taken note of some of the problems. The Indira Gandhi National Open University is making efforts to produce material on subjects referred to in this paper. University of Mumbai and Jamia Millia Islamia syllabi have taken note of some of the areas; other Universities, too, I am sure, are seized of the problems referred to here. But unfortunately, beyond a point we all seem to get scared, specially when we are confronted by societal violations and related reading material – if not paralysed.

V

Let me mention, as a paradigm, what I presented in the background paper referred to earlier – varnavyavastha and human rights violation and infringement of civil liberties. I referred to this aspect in the *PUCL Bulletin* editorial note quoted earlier. A former civil liberties activist of PUCL has written that there was an element of hatred in Dr. Ambedkar and that his conversion to Buddhism was a fraud. He is outraged and very angry that so many statues of Ambedkar have been installed in the country; very angry that he is called the architect of the Indian Constitution. How does one handle this mindset—of hatred and intolerance? Our institutions tend to keep this question of intolerance under the carpet. (It must be acknowledged by intellectuals, at least dissident intellectuals and seats of learning that Ambedkar was primarily a human rights intellectual-activist).

I may make a very brief reference to the practice of human rights within the school education system. The system does not acknowledge the fact that we had a horrendous past. If we don't accept this how can we close the door on this? I may quote from a presentation made by an academic of Jawaharlal Nehru University, New Delhi, Dr. Geeta Nambissan, on the basis of a field study:

> "Within the school it appears that Dalit students continue to experience social discrimination and this can be seen both in the official curriculum i.e., in the approved content of education and the hidden curriculum of schooling. Scheduled Caste communities and the experience of untouchability rarely form part of school knowledge. Textbooks are silent about Dalit communities.... Practices (untouchability) are rarely mentioned in school books or discussed in the classroom.... [Some NCERT textbooks refer to this aspect. I have referred to this elsewhere in this paper–R.M.P]. Children belonging to lowest castes continue to be discriminated within the school and blatant practices particularly in the attitudes of teachers and school authorities as well as in peer behaviour continue.... Given its background it is unlikely that human rights education in the abstract will bring about any significant change in the education environment provided for children belonging to these communities"[4].

Our universities, the UGC, the NHRC, and research institutes do not appear to have given much thought to the questions raised above.

We may take note of what the UN Committee on International Convention on the Elimination of all Forms of Racial Discrimination recommended in 1996 (and India is a signatory): The Committee recommended "a continuing campaign to educate the Indian population on human rights in tune with the Constitution of India and with universal human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. This should be aimed at eliminating the institutionalised thinking of the high caste and low caste mentality". We have to go a little deep – how does one eliminate "institutionalised thinking?" Again, literature produced by the NHRC and other educational bodies does not throw much light on this aspect. Let us be honest: we cannot make headway in transforming society if we do not face these questions boldly.

VI

Let us take note of another area. Have we given enough thought to the question that concern for human rights, concern for the individual and his/her freedom is intimately connected with a particular way of life, that is a democratic way of life where the individual is not a mere cog in the wheel, but is supreme; or that the dignity of the individual and an authoritarian culture are contradiction in terms, or even that we have inherited a predominantly authoritarian culture on which we have been wanting to graft a democratic system? We may perhaps recognise the fact that we have not yet prepared the soil—the soil is still not ready to receive the seeds that the NHRC, the UNESCO, the UGC, the Universities have been sowing. This is what human rights education has to take care of.

Human rights education must teach us that it is our fundamental right to criticise authority—and in the context of societal violation of human rights, religious scriptures, divinities, avatars, prophets, saints, gurus and of course the holy loafers of our time even though they are patronised by our top ranking politicians. (Criticism does not mean condemnation). The scriptures and the divinities have the divine right to prescribe; but why can't we have the right to at least question them? Not many Hindus would openly question the "absolute truth" reportedly contained in the Vedas, or the Gita, or the great Puranas, or even the Manusmriti. Most Hindus accept Chaitanya and Ramkrishna as avatars; no Muslim can dispute the authority of the Koran or the Prophet; and no Christian will question the authority of the Bible.

VII

Let me refer, as paradigm, to another area involving human rights violation and where tenets of human rights are in contradiction with traditional socio-cultural matrices. Our traditions – Hinduism, Islam, Christianity – see women as inferior to men, often on the authority of divine scriptures and sanctions. According to all socio-cultural traditions women are required to find their fulfillment in motherhood and domesticity. Their duty is to render service to the husband, his family, and to his children. In fact some of the scriptures have warned that if women enter public life there will be utter chaos and disaster. We are warned that society will break up if men and women forget the sacredness of marriage. The foundation of society would be shaken, we are warned not only by men but also by highly educated women, if women expressed dissatisfaction at the treatment accorded to them. How does one reconcile all these to the UDHR and our own constitution?

The human rights situation with regard to woman and the girl child is most depressing. Crimes against them have been on the rise. There has been considerable decline in sex ratio – fewer females than males. Why is it so? This needs research. Why is it that 25% of the girls die before they attain the age of 15? If it is malnutrition, then why is it only in the case of the girl child? Why is it, again, that in some parts of the country parents resort to the most inhuman and cruel method to kill girl babies?

Not many, not even those women leaders who have been fighting for reservation refer to our religious scriptures that have considerably contributed to gender bias. For example, one scripture sanctions: "Let the bridegroom ask the bride to join him in sacred ritual with the prayer, `let our union beget sons only'..." There was also the tradition of *Putreshthi Yagna* praying for *putra*, and so on. We do not hear women's organisations demanding that these ugly relics of our past be buried. They are afraid of lie-hunting. Human rights educationists including the NHRC and the National Commission for Women, the Universities, the U.G.C., the NCERT will have to take up this job of lie hunting which ought to be part of human rights education in India. They may take note of how a significant section of our opinion makers, both ancient and modern, have contributed towards human rights violations—by rationalising the irrational. They have fabricated many fables about the exalted position of women in our society to convince us and the world portraying them as goddesses. They remain silent on the codes of Manu which have advised men to treat women as their property and slaves; they brush aside the issue by saying that our society is governed not by the codes of Manu but by the Constitution.

VIII

This will not do. I appeal to all, specially the NHRC, the UNESCO, the UGC, the Universities, the NCERT, the National Commission for Women, and social activists to go a little deep into the problems. I am told a meeting held in Bangalore in 1994 which was attended by representatives of the NHRC and the UGC did some plain speaking, specially on the aspect of our past, our traditions, and culture. But they did not, I am told, specifically take up the question of what is to be revived, and which to be rejected. Furthermore, we have to have reading material. I am not aware of any project handling the compiling of material relating to human rights and human rights intellectual-activists of India.

I know some human rights intellectuals and activists who have been talking, very loudly indeed, and also writing with journalistic flourish that India has a glorious past of 5000 years—and that this history is written in gold. They want us to revive the golden past. Which past? – they are quiet. (I have often wondered whether our glorious past is not a great liability). They refer to tolerance and non-violence. Professor Romila Thapar has exposed this myth thus:

> "the insistence on the tradition of religious tolerance and non-violence as characteristic of Hinduism, which is built on a section of normative values emphasising Ahimsa, is not borne out by historical evidence. The theory is so deeply ingrained among most Indians that there is the failure to see the reverse of it when it stares them in the face. The extremity of intolerance implicit in the notion of untouchability was glossed over by regarding it as a function of caste and society".

Our establishment intellectuals and almost the entire middle class who glorify Hindu tolerance and Hindu non-violence actually confuse this with our pluralism.

In the context of intolerance, I may refer to communalism which is one of the major sources of human rights violations in our country. Any scheme of human rights education must take this into account. It is regrettable that the NHRC has not given any importance to this aspect.

Yes, human rights intellectuals and activists do want to revive/create the values of tolerance, non-violence, friendship for all, equality, respect for the human person, human dignity and rights, and freedom—values of which we can be proud. Obviously only that past has to be revived, and the ugly rest buried, which will help India come into inheritance of the blessings of modern civilisation. Which means that human rights edcuationists must resist the temptation of reviving an imaginary golden age of India's past. To quote Romila Thapar again:

> "... Changes will often involve a basic change of social values. The confrontation can no longer be evaded as it once was by recourse to the theory that our concern has always been only with things spiritual, or by an escape into the past. But the process can be facilitated by an awareness of the past, deriving from a realistic assessment... It is only the awareness that history is made of an entire people into its total activity, which can bring us nearer to explaining the past in its concrete actuality".

In the process of reviving our past which can guide us, we should have no hesitation in discarding those aspects which hamper our progress, like, for example the theory of karma, transmigration of soul, maya, the principle of division of society into castes. This principle took the form which the system of exploitation assumed in the bygone days that was declared to be the creation of God. We must discard that 'spiritualist' culture which seeks to persuade the poor, the depressed, the oppressed, and the exploited to reconcile their lot to suffering, sacrifice, and voluntary poverty—all that signify complete surrender, and absence of the spirit of revolt (see *Selected Works of M.N.Roy*, Vol.IV). If our human rights educationists cannot take up this aspect we might as well not waste public money. Europe did it by ushering in the movement of Renaissance; we too can if only we shed a bit of our unnecessary arrogance.

PART - 2

What follows is no more than a sketch and broad outlines and a few instances of what have been our heritage, i.e. India's contribution to human rights. Competent researchers can give shape to this sketch. I believe this is one of the most important tasks that the NHRC must undertake[5].

We may start with an account of Buddhism, Jainism, and other scriptures which gave primacy to man and his welfare and non-Sanskritic Hinduism in the medieval period. During the Buddhist period, interest in man, man in his own image and man's affairs on this earth, unlike otherworldly interest, became the primary concern of thoughtful men and women. They did not consider this earth as a vale of tears. Buddha rejected the caste system. The basic tenets of Buddhism are non-violence, non-hatred, and friendliness to all. Buddha was a great champion of freedom and tolerance. One of the most significant contributions made by him was the introduction and spread of secular education and education for all.

The caste system had a racial origin, in its association of caste and colour. I refer to an important verse in the Mahabharata.

Bhrigu explains to Bharadvaja:

> "Brahmins are fair, Kshatriyas are reddish, Vaishas are yellowish, and the Sudras are black". It is questioned by Bharadvaja – this is of interest to human rights education: "We all seem to be affected by desire, anger, fear, sorrow, worry, hunger and labour; how do we have caste differences then?" That in ancient India the caste system was repudiated is illustrated by a number of characters in the Mahabharata:(1) the marriage of king Yayati, a Kshatriya, and Devayani, a Brahmin; (2) Vidura, one of the wisest men in the Mahabharata and also described as the very incarnation of Dharma, was the son of a Sudra woman; (3) Vasistha was born of a prostitute; (4) Parashara was born of a Chandala woman. Another questioning from the Bhavishya Purana, "All human beings have the same Father, and children of the same Father cannot have different Castes" (See K.M. Sen, *Hinduism*, Penguin, 1961).

The school of philosophy, Lokayata considered physical sense data to be the only source of knowledge. It rejected after-life and reincarnation. We find this rejection in the *Ramayana,* too. A Brahmin, Javali advises Rama:

> "I grieve for those who, abandoning the pleasures of the world, seek to acquire merit for felicity hereafter and sink to an untimely death. I do not grieve for others, men waste food and other precious things by offering them up yearly as sacrifices in honour of their departed ancestors. O Rama, has a dead man ever partaken of food?... O Ramachandra, these scriptural injunctions were laid by learned men, skilled in inducing others to give, and finding other means of obtaining wealth, thus subjugating the simple-minded. Their doctrine is, `sacrifice, give in charity, consecrate yourselves, undergo austerities and become ascetics'. O Rama, be wise, there exists no world but this, that is certain!" (see K.M. Sen, *Hinduism*, Penguin, 1961)

The medieval period: Professor Satish Chandra writes: "The position of the nath-Panthi siddhas and jogis in Hindu society needs to be understood. Most of them belonged to the low castes, opposed caste-based inequalities, denounced the religion of works favoured by the Brahmins, and did not favour image worship" (In *Cultural Interaction in South Asia*, New Delhi, 1983).

The movement, Bhakti has non-aryan roots. According to some scholars it originated in the Dravida country. The works of Alvar saints are important in this regard. Most of these saints came from low castes. At a later stage even high caste people hailed their literature. One Alvar saint, Andal who belonged to a low caste was accepted as a religious leader by the society in general. This movement is characterised by simplicity, directness, preaching and practicing tolerance, love, and friendliness, disregard for caste division, religious rituals and ceremonies.

The great scholar Ramanuja, the best known exponent of this movement was influenced and inspired by the works of the Alvars.

The interaction of Bhakti and Islam, specially the Sufi ideas, gave rise to a number of progressive movements with the core philosophy of tolerance. In this period,

> "relations between Islam and the religions of South Asia were marked by mutual understanding and tolerance. This spirit was promoted by the rise and spread of Sufi and Bhakti ideas" (Satish Chandra, in *Cultural Interaction in South Asia*).

Namdeva and Tukaram from Maharashtra, the former a tailor, the latter a peasant made the Bhakti movement increasingly acceptable to the people: "What can ceremonies do if love awake not in your heart?"

In Bengal the well known Vaishnava poets, Jaidev, Vidyapati, and Chandidas, as also Chaitanya popularised the movement.

Ramananda challenged caste divisions, revolted against traditional religious rituals and started preaching in Hindi—Sanskrit was the preserve of the upper castes:

> "wherever I go, I see water and stone; but it is You who had filled them all with your presence. In vain do they seek you in the Vedas' (Granth Saheb).

Ravidas, a cobbler and Shaikh Kabira Din Momin Ansari, popularly known as Kabir, a weaver were Ramananda's famous disciples. Kabir struck at the very roots of ritualism and superstition: "O God, whether Allah or Rama, I live by thy name". Kabir composed his songs in Hindi. He practiced and preached the gospel of universal tolerance and was the most important exponent of the idea of India without any communal discord. He gave the utmost importance to equality and denounced inequality based on caste, station and wealth.

Guru Nanak was also greatly influenced by Islamic and Sufi ideas. "The supreme significance of Nanak was that he was the harbinger of Hindu-Muslim unity, for he sought sincerely to reconcile Islam with Hinduism as the following verse will show: `Guru Nanak Shah fakir/Hindu ka guru aur/Musalman ke pir'.

Rabindranath Tagore was greatly influenced by Kabir and translated many of Kabir's poems into English in collaboration with Evelyn Underhill. Guru Nanak, too, left a lasting impression on Tagore's mind. Tagore was also greatly influenced by the Bauls of Bengal and composed many songs under their influence.

The modern period: In the modern period the first intellectual-activist was Raja Rammohun Roy (1772-1833). In his movement for freedom, social justice, and human dignity, he was influenced both by Christianity and Islam. The intellectual movement that the Raja heralded unfortunately paled into insignificance during the freedom movement, and the revivalists made their presence felt. Rammohun wrote on almost all aspects of our social, religious and political life and areas which were major sources of human rights violation in his time. He spoke the language of reason. He quotes Vasistha:

> "If a child says something reasonable it should be accepted, but if a Brahmin himself says something unreasonable it should be discarded as a piece of straw".

Rammohun was a champion of civil liberties and freedom. He stood up against the July 1827 Act which had introduced religious bias into the judicial system of India. The cause of compulsory basic education was sacred to him.

In the 19th century we had a galaxy of intellectual- activists and reformers who championed the cause of human rights, human dignity and freedom. To mention only a few: Ishwar Chandra Vidyasagar, Mahatma Jotiba Phule, Gopalrao Hari Desmukh, Agarkar, Sir Syed Ahmed, and many others. In short, we should include an analysis of the short-lived Renaissance in Bengal, Maharashtra and a few other parts in the country which was ushered in under the influence of European learning and which gave the utmost importance to human rights.

In the 20th century, Mahatma Gandhi, Dr. Ambedkar, M.N. Roy and many others gave the utmost importance to human rights.

In conclusion I may repeat that research in the field of human rights must begin with the positive aspects of our heritage. We must guard ourselves against romanticising the past; we must raise our voice of reason and wisdom. What is most important is to accept the fact that the highest appreciation of our past is to find out how it could generate in us the spirit of revolt against social injustice and human rights violations and to inculcate this spirit. Our young students must no longer be deprived of the knowledge of the richness of our heritage. Together with the knowledge and learning from ancient Greece, the European Renaissance, and modern European ideas, we must see that our indigenous secular and human rights values and learning from our past blossom with a vigour and splendour surpassing all intellectual movements that I have referred to in this paper.

NOTES

1. The seminar proceedings have been published by the Indian Social Institute, New Delhi, under the title *Human Rights Education*.
2. See, *Human Rights of Dalits: Societal Violation*, edited by R.M. Pal and G.S. Bhargava, Gyan Books, New Delhi, 1999; [some of my articles on

basic education and child labour have been included in this volume - R.M.Pal].

3. M.N. Roy whose name does not appear is one of the outstanding philosophers who came down heavily on the ugly relics of the past which were. and still continue to be major sources of societal violation of human rights. (See, *Selected Works of M.N. Roy*, Vol. IV. ed. by Sibnarayan Ray, OUP, which includes *The Philosophy, Profession and Practice of Fascism, The Historical Role of Islam*, and his essays on Indian Sociology like Karma, Transmigration of Soul, Caste). Furthermore Roy is the only Indian who established himself as a Marxist theorist of high reputation. In the second Congress of the Communist Internation in 1920 Roy differed with Lenin on the National and Colonial question; asked by Lenin Roy formulated his own thesis, known as Supplementary Thesis. Both Lenin's and Roy's theses with some modification by the Congress, were adopted. Soon after, his book, *India in Transition* (1922) was published which became bible for Indian communists. The book was translated into several European languages; almost immediately after its publication it was recognised as a Marxist classic.
4. *Human Rights Education*, edited by R.M. Pal, Indian Social Institute and People's Union for Civil Liberties - Delhi, 1998, Reprint, Pp.29-34.
5. The first part of the sketch is a brief summary of a paper, "Human Rights Education: India's Heritage" presented at a national workshop, "Human Rights and Societal Changes with reference to SC/STs", jointly organised by DLET and NHRC, 3 and 4 August 1996, in Chennai. The paper was originally published in the weekly, **Mainstream**, 21 September 1996, and subsequently in a number of periodicals and books. The second part is a brief synopsis of a paper, "Rammohun Roy: The First Human Rights Intellectual-Activist of Modern India", presented at a national seminar on "The Place of Raja Rammohun Roy in the Intellectual, Social and Cultural History of Modern India", New Delhi, 10 and 11 February, 1998, organised by Raja Rammohun Roy Library Foundation Silver Jubilee Celebrations. The paper has been published in the Foundation's journal, "Granthana: Indian Journal of Library Studies" Vol. VI, No. 1 and 2, January 1999. A lesson on these lines has been written by me for Indira Gandhi National Open University for its course on human rights education.

APPENDIX

Let me qive an extract from what RAJNI KOTHARI wrote in the context of human rights education (see *PUCL Bulletin,* September 1994, "Human Rights Doublespeak"): "It is an enlightenment that above all the educated middle class need the most if it is to come out of its present state of callous complacency. That this includes middle class students and even children is also granted. It is on the pedagogy needed for this purpose that there are two opposite standpoints, and it is best to be clear about which one is being pursued by those engaged in the very business of `human rights education'. One is a pedagogy in which education is considered as an `extension' activity, trickling down from established institutions of learning and reaching out to the communities, the people and the individual recipient. The other is a pedagogy that draws upon what is going on among the people – their struggles against hegemony and for due regard and dignity – and to structure the research, the teaching and even the training in the light of such `education from the bottom up'. It is not until the former pedagogy draws more and more from the knowledge, insights and wisdom of the latter, including some sordid realities learnt from the latter, that genuine enlightenment on human rights and related matters will take place. There can be no genuine enlightenment (or education) on human rights in the abstract, distilled from `the ivory towers'. It can only come out of engagement with real life situations; in this case situations of conflict and struggle, of the political process in dealing with them and of the knowledge and understanding that are gained from such engagement".

SIBNARAYAN RAY'S contribution, "Human Rights Education – A Few Reflections" appeared in the October 1994 issue of *PUCL Bulletin.* Professor Ray raises a number of very important questions which must engage the attention of human rights educationists. He writes, inter alia:

"Can human rights be learnt and established without confrontation and conflict with vested interests and traditional authorities? In the past rights have involved major upheavals – social, cultural and politico-economic. Such upheavals are fraught with considerable risks, and often cause much suffering and damage. But can this be altogether avoided? Can piecemeal reform in which common people may take an intelligent and effective part reduce the risk of highly explosive social convulsions? Can such social engineering or experiments in institutional changes be included in a Human Rights Education programme.

"All these issues require to be publicly discussed and debated. Not only professional educationists, but social workers, human rights activists and various other groups and individuals with some awareness of relevant issues and practical experience of working with people would have much to contribute towards evolving an appropriate educational programme. It will be an altogether wrong approach if some central body devises a syllabus and then imposes it on a school system which itself grew up in an authoritarian atmosphere. Human Rights is not an appendage to be added to an already excessively burdensome school curriculum. It may yet revolutionise our tradition-constricted society by first bringing new life into our moribund school system. But is that likely to be allowed or tolerated by the vested interests which are entrenched in the prevailing system? Can Human Rights education hope to hold on to its objective and succeed without overthrowing the vested interests and radically altering the present system? These are issues which demand open and intelligent public discussion and are not to be settled by any fiat from the centre".

Human Rights Education in Perspective

Pandav Nayak

The fundamentals of human rights lie in the concern with life, freedom and dignity of the human being. These concerns which are translated into rights are protected by laws and institutions. But mere formal legal protection, is not sufficient guarantee, especially when it is so intrinsically connected with the basic issue of living with dignity by one and all in a world characterized by all forms of hierarchy and unevenness among the constituent nation-states. Hence the paramount need for human rights education(HRE) which is considered the safest guarantee and the best ally for peace, tolerance and the respect for human rights.

Human rights should be conceived globally, but as a problem-solving kit of teaching-learning units, HRE must reflect the local peculiarities as well. It should emphasize the indivisibility and universality of the human rights in all life situations. It should also focus on the inalienable right to development which only underlines the link between democracy, development, human rights and tolerance for cultural pluralism.

Government of India (through the Prime Minister's speech on March 11, 1995 at Copenhagen Summit) stands committed "to set up an effective mechanism for social development in India as a first step" towards achieving the ten commitments of the Summit for which a special General Assembly session is to be convened in the AD 2000 to make an assessment of the overall outcome. For a knowledge base of Human Rights Education, the advice of the distinguished American educationist Professor I. L. Kandel may be heeded:

> "The common goals inherent in the ideals of the rights of man can only be attained as programs of education and instructions are based on the realization that there is no national culture which does not owe or more than is usually admitted, to the influence of the cultural heritage of man of all races and of all ages. It is the only way that the true concept of humanism as an end in education can be developed."

The 1993 World Conference on Human Rights at Vienna which called for celebration of the Decade for Human Rights Education has also accepted (the Third World view of) the essential interrelatedness of political, economic and social rights. It re-affirmed the Right to Development. Further on the road, the Agenda for Development was adopted by the General Assembly in June 1997 which was a distinct achievement in driving away ambiguity and vagueness previously associated with the international acceptance of this right. According to the Agenda, "Respect for all human rights and fundamental freedoms, democratic and effective institutions, combating corruption, transparent representative and accountable governance, popular participation, an independent judiciary, the rule of law and civil peace are among the indispensable foundations for development". At all levels and in all sectors, human rights education has, therefore, come to mean inseparable efforts at educating the people on misuse and abuse of their rights on the one hand and intervening to promote material social well-being of the entire population on the other.

It is, therefore, pertinent to underline this difference in the understanding of human rights as a concept as well as a field of application. It may be true of the West to hold the view that "individual rights are trumps over community's well-being" (Ronald Dworkin) but in our societies which were victims of colonial depredations, unrelenting social depressions and discriminations, it will be unrealistic to entertain "unbridled exercise of rights by individuals or a minority which in the West has contributed to the collapse of morality and the structure of human society" (Asia Watch 1993).

An important aspect to understanding human rights is that 'they are not naturally emergent in all human societies'. Human rights today are understood as they have been defined (to a large extent) by international treaties and conventions in a process of bargaining between governments. Citizens as such have had little formalized influence on the process. Aid conditionality (ref: Structural Adjustment Programs) is a clear example of the prevailing asymmetric relationship between human rights, power and money on a global scale.

Human Rights Education in India: Focus on Duty

Human rights education in India (and for that matter, in any developing society of the Third World) has been "doubly constrained": (i) understood as a consensual outcome of international bargaining among governments over certain "core rights" (as codified in the Universal Declaration of Human Rights, two international covenants and several regional instruments), they aim at fostering the "civic virtues" for which the UN (as the representative of the international society) has been struggling to create a "moral" foundation across the globe and (ii) as such, the national peculiarities as sharpened through democratic struggles on the part of its citizens are seldom reflected in the formalized "official" human rights ethos. This state of articulation has been characterized as a "democratic deficit" for reasons of which the "core rights" which have been broadly adopted by the Constitutions of the new states have proved to be less attractive and politically artificial. Important to understand for a national policy is that these national peculiarities represent a summary manifestation of our historic democratic struggles, plural cultural existence and socio-economic experience of living. Therefore, it is only realistic to aver that human rights are "neither politically inconsequential, nor necessarily politically innocent".

It is against this background that the developing world's pressure to recognize the right to development has turned out to be a useful story which has been yielding results. For a nation like India with a heavy past and a civilizational society, it is important that we focus (for better policy inputs) its academic and research efforts on: (i) articulation of those ideas and values which have been at the core of our plural society (ii) suggestions for discreetly discontinuing/ phasing practices which have largely been introduced by the colonialists but are continuing through sheer inertia and force of habitual conformity and (iii) ethnic conflicts, poverty, unemployment are some of our basic problems which can be tackled by our people themselves if they can be made aware and provided with skills and wherewithals specific to our societal context.

It is instructive to remember in this context the insightful observation of A. Touraine that modernism is not a single path, much less the one dictated by Westernization syndrome. The success story of East Asian political economies shows that there are routes other than Westernization, for progress and all-round development. Change can be effected with "acquired experience, projects and memories" as pointed out by Touraine, and is "not opposed to the maintenance of cultural identity". We have our Tagore, Gandhi, Ambedkar and many other progressive freedom fighters. Gandhiji said in this context:

> "I learnt from my illiterate but wise mother that all rights to be deserved, served and preserved come from duty well done. Thus every right to live accrues to us only when we do the duty of the citizenship of the world.... Every other right can be shown to be a usurpation hardly worth fighting for."

Though late, insertion of Part IV A on Fundamental Duties through the 42nd Amendment (1976) Act providing a set of core duties for the citizens of India has been in line with this thinking that new direction of change can also be endogenously formulated and set. Various Courts of the land have upheld them as they "regulate behaviour" so as "to bring about excellence". As a consequence, performance of duty now comes "within the sphere of constitutional law which a court has to decide (*Ram Prasad Vs State of UP, 1998*). The Supreme Court has taken a further step -- it has held "that as the duties are obligatory on citizens, the State should also observe them".

UNESCO's Initiative

Post-industrial society requires that the new productive processes (with its heavy focus on service sector) are inter-linked with civic virtues of democracy and participation. UNESCO claims the singular credit in providing the necessary leadership for encouraging human rights education as a key resource for promoting international understanding, cooperation, peace and democracy. The World Plan of Action on Education for Human Rights and Democracy issued by the International Congress on Education for Human Rights and Democracy which was called by UNESCO and others at Montreal (known otherwise as Montreal Convention referred to above) from 8 to 11 March 1993 is a landmark event. Two notable recommendations of this congress are: (i) "democratic values are required for the enjoyment of human rights"; (ii) "education for human rights and democracy is itself a human right".

This World Plan of Action has recognized the importance of translating human rights, democracy and concept of peace, of sustainable development and of international solidarity into social norms and behaviours. The plan aims at "Development of active national, regional and international networks to produce materials, curricula, programs as well as to exchange methods and materials and develop best practice approaches".

Council of Europe

Another notable actor in the field is the Council of Europe which works in collaboration with other countries and NGOs for promoting European cooperation based on commitment to human rights and fundamental freedoms. As such, Council of Europe's role since 1978 has been one of a teacher in human rights education.

The educational principles of the Council's human rights education programmes are based on important contributions from the early pioneers in the field – Heater and Lister from UK and Audiger and Best from France. These have been developed by hundreds of teachers meeting in seminars across Europe during 1970's and early 80s. Ian Lister's framework for example, provides for the development of human rights curriculum. He identifies three essential aims for the same: "a compound of knowledge, procedural values and skills". He also underlines the importance of the effective dimension.

Human rights engage not just the intellect but also the emotions, and the sense of fairness on which human rights are based; it is intuitive and is strongly felt by children. There is need to give concrete and effective support for learning, and Human Rights Education cannot limit itself to the cognitive domain. According to Heater: "We should be seeking to engender feelings of humanness in our pupils. Feelings of cruelty, retribution and aggression ill-suit an exponent of human rights. The quality of caring is to be nurtured".

Audiger and Lagelee stress the importance of teachers having a basic understanding of 'law' which has a new connotation in this context: "It is not a question of training young people to be legal experts, but rather of enabling them to develop and think about and act on their relationships with others. The legal dimension is not only concerned with the knowledge of the great international instruments but also with the everyday life of the school. Both are based on the same moral principles".

These innovative experiments in Human Rights Education, were undertaken by the pioneers in the field in the years mostly of the seventies and early eighties. One authoritative review of this scene done by Howard Mehlinger has characterized these efforts as of being "goal rich" and "content poor".

Some of the salient features of this review done in early 80's are: a) Human Rights Education remained an underdeveloped field because it lacked support from national government. b) There was little educational literature in this field since nearly all literature on Human Rights was legal and philosophical. The ground work of conceptual clarifications still needs to be taken up. c) There was a lack of teaching materials, guides and notebooks.

In a nutshell aspirations including those of the national governments were high but provisions meagre.

Despite these shortcomings, there have been some achievements which countries of Europe and America experienced. But they have been mostly in areas of peace education and environmental and ecological education. Ian Lister succinctly sums up the situation: the time of Human Rights Education is yet to come and significant support from government is still awaited. The nineties should be declared for dedication to HRE, these scholars and activists opined. With the advent of the UN Decade of HRE in 1995, the need for HRE to all has become inescapable.

But what does one learn out of so many initiatives in the past which the developed countries had launched with modest success? Given the intractable nature of this daunting task, it is important to remember that the benefits of human rights education are not immediately apparent and therefore, the best of efforts at times becomes frustrating. One of the delegates at the International Committee of the Red Cross recounts his own experience:

> "... When asked to participate in dissemination (teaching), we don't see direct results. Our successors will, perhaps. So, in terms of personal motivation, we sometimes have to push ourselves. But as a matter of fact we are seeing more results these days (1990), as field commanders increasingly request our teaching. And less and less, it is just to show a nice face. They are beginning to see there's something important here: But even with these expressions of goodwill, its something else to assess the long-term impact of all this education. We are convinced it's worth the time and effort but we have to keep reminding ourselves: It takes a kind of faith" [as told to Richard Pierre Claude, Human Rights Quarterly 13 (1991 p. 516)].

We in India are far away from taking human rights education as "a kind of faith". But the national effort is to engender a "culture of rights" which is possible in a democratic society like India only if "education for and in human rights" truly becomes a "cultural action for freedom" (Paulo Freire) which, in turn, will provide a solid basis for genuine democratic development. In short, human beings assert their right to be bearers of human rights. This 'assertion', responsible as it ought to be, would critically hinge on (i) correct human rights knowledge necessary for confronting rampant violations going on within the spheres of both the State and the Society, and (ii) learning of skills and changing of attitudes which should unavoidably be a part of any human rights education package.

Features of Human Rights Pedagogy

Human Rights Education calls for a critical scrutiny of the prevailing pedagogy. It calls for a language of human rights, of human rights for use in the classroom, workplaces, cultivated in the family and circles. It also deals with human rights heroes like Gandhi, Martin Luther King etc. It requires, therefore, a new methodology, based on principles of participation which underpin and contribute to building of close contact between lived culture and formal education.

a) Unavoidably, learning is linked to the life situation and living experiences of the learner. This is the crux as far as learning of human rights is concerned. Such learning areas refer to acquisition of a conceptual language for day-to-day interaction and sustained efforts at modifying attitudes and habits of the learner who will hopefully change for better co-existence. b) Teaching methodologies have to be different from the conventional 'imparting', 'didactic' models. These methodologies have to be sourced in the fields related to personal growth, cultural coexistence of community living, humanist education etc. They are student-centered, non-directive and self-managerial in their approach. c) No less important is the organization of the academic contents of Human Rights Education. Foremost to remember in this area is the inter-dependent and dialectical relationship between the curriculum content and the teaching methodologies for human rights. For an education which lays so much hope in achieving liberty, equality and justice in human relationships, an hierarchical and authoritarian relationship between the teacher and the student should be discouraged. Group self-learning under a (knowledgeable) missionary type of a leader is an ideal situation for such teaching/learning. Similarly, there is no such a *priori* gradation of one on top of another human right. When all rights are equal in their indivisibility and inalienability, the guiding consideration focuses on those areas which contribute to social reconstruction. It is in this sense that is now widely claimed that the human rights education is a human right in itself which all the states must implement and promote. d) The overwhelming top-down structure of institutionalized education today need not despair us against this new requirement of a set of action-oriented, knowledgeable missionary teachers who always learn and carry the learners along. They can be raised through training. For a formal beginning, (i) one can screen them from among the active, service-oriented NGOs dedicated to causes of environmental protection, women, eradication of societal violation, social welfare; and dedicated Gandhians, humanists and Ambekarites, and (ii) they may be exposed to some specialized training programmes. The point not to be missed, however, is the importance of a corps of dedicated specialists in human rights education with a built-in (organisational) networking strategy of widening through training of the trainers.

Putting Human Rights Education in Perspective

In such a situation where the best of intentions and efforts are often frustrating (since as Ian Lister has also observed "many human rights issues are long term, slow to change, and may seem to be intractable"), the caution for quality HRE is overwhelming. But when one is required to act under an official mandate which may even have liberal financial backing, the result often is seen to be a case of Human Rights Education being another model of education cast into the prevailing framework. Typically, Human Rights Education in such cases which are proliferating in India can be summarily characterized by the metaphor of "new wine in old bottle". Among other disadvantages which are evidently found associated with the conventional education system, a major one consists in its becoming mere "academic" and less "futuristic". Early experiments have clearly shown (as referred to above) that effective dimensions, practice-based and interactive learning for `fair' and `just' behaviour are no less important (as expected educational outcome in Human Rights Education) than the human rights knowledge and training. In this connection, Professor Upendra Baxi's check-list of `what is to be done?' is instructive. Baxi talks about four types of "access" around which HRE may be usefully planned:

(i) Access to information: this calls for a critical minimum obligation on the part of the planner and educators to ensure that information regarding human rights are available within the learning reach of all in society. (ii) Access to opportunities for exercise of rights: this would call for going beyond the traditional definitions and boundaries of the existing roles and institutions so as to widen and make available space and opportunity. To make this possible, re-engineering role-designs, institutional designs and accordingly, change in the rules of the game may have to be introduced. A teacher may need to be 'taught', a judge may have to be exposed to 'arts of respecting human dignity', and the custodians of law and order may have to be asked to give up a good measure of their traditional 'stocks of trade' which are currently used at enormous human expense (e.g., use of torture for extraction of information etc.). (iii) Access to instruments and methods for identification of violations of human rights: this calls for a change in "the enabling environment" which was also one of the "ten commitments" of the Copenhagen summit on Social Development (1994). For instance, poverty is the greatest denial of human rights. Right to education is a must for effective realization of human rights. At a micro-level, the learner must be told what are his/her rights within an operational legal framework and how they are to be implemented if violations are detected. Both the micro and macro level exercises need to be strengthened through sustained human rights researches into the obtaining lived situations. Inter-linkaging between specialized professional establishment (scientific, legal, business management etc.) and the human rights educators is of crucial significance so that violations in various fields of human behaviour are identified and instruments for their rectification are continuously designed and improved. (iv) Access to public discourse which may contest State/ Society assertion that either no human right exists or if it does, no violation can be said to have occurred: this calls for 'educating' vast masses of people who have been marginalized for any number of reasons — birth, development strategy, education planning etc. HRE for these marginalized groups is not possible the way it may be planned for the "educated" people. More than that, the myth of HRE being the monopoly of the State's or Society's privileged agents must go if a 'culture' and a 'language' of human rights is to emerge. Public discourses informed by human rights consciousness/ awareness can make it possible to reach this goal. Towards this end, the importance of human rights literacy is important, so also that of dissemination strategies for the propagation of human rights information. This has also been highlighted by the Vienna Declaration (Art.81 which qualifies it with) "taking particular account of human rights needs of women". Simply put, human rights literacy would take some strategies aiming to make 'unlettered' 'socially disadvantaged groups' of people aware about their rights. Through performance, this would also amount to empowering them to ask for a rightful place for themselves in the given dispensation.

Designing a Human Rights Programme: Four Components

As can be seen from the above, a 'teacher's role' in Human Rights Education actually gets recast as one of a 'strategist' with an aim to empower 'learners' through making them aware about their rights and duties in society. Accordingly, a Human Rights Education package should seek, unavoidably one may argue, to address the following four focuses for learning: (i) Knowledge about Human Rights Education; (ii) A comprehensive curriculum; (iii) Practice-based learning for sensitization and change of attitudes and (iv) Public Dissemination of Human Rights information.

To add a note of caution at this stage: these sectors of learning have been highlighted by Mr. Jose Ayala Lasso, the first UN High Commissioner for Human Rights in his address given to mark the launching of the UN Decade for Human Rights Education and as such, reflect the spirit of consensus globally reached at Vienna World Congress on Human Rights in 1993. And therefore, in the absence of an explicitly defined limitation of the exercise, any Human Rights Education package (and unfortunately, they are far too many proliferating in the country today and which therefore calls for national coordination and standardization of such syllabi/training manuals/information brochures etc.) only falls short of consensual international standards. Such an inadequacy may also be the result of a 'statistical compliance' of an official mandate, which, therefore, has nothing much to do with this noble mission.

The National Coordination Committee for Celebration of the Decade of Human Rights Education (constituted recently by the Government of India in the Ministry of Home Affairs) may, therefore, seek advice to set the necessary standards for coordination and standardization of such syllabi which have been introduced for Human Rights Education in various sectors – educational, administrative, defence and police etc., in the country.

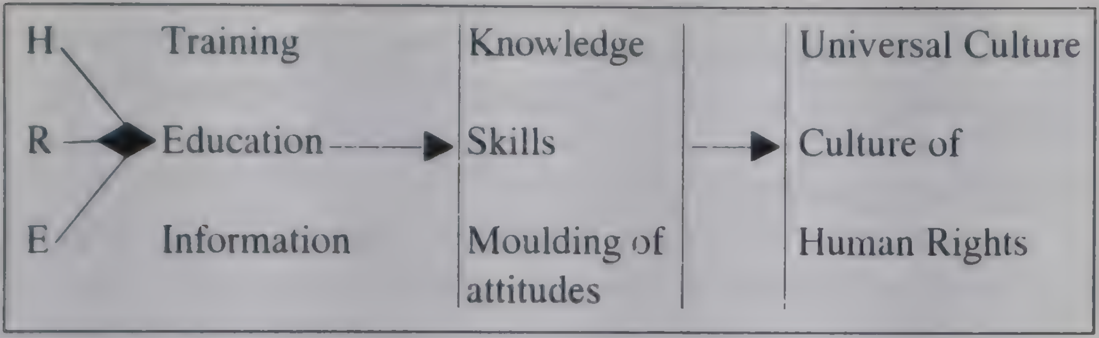
(i) Knowledge about HRE

Besides the knowledge about various international and national instruments of human rights and fundamental freedoms, what is necessary for the learners to know is that HRE has been specifically prescribed in the context of certain other "mission statements" which should be fulfilled/performed. Learners should know about these provisions which include: Article 26 of the Universal Declaration of Human Rights, Article 13 of the International Covenant on Economic, Social and Cultural Rights, Article 29 of the Convention on the Rights of the Child, Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women, Article 7 of the Convention on the Elimination of All Forms of Racial Discrimination, paragraphs 33 and 34 of the Vienna Declaration and paragraphs 78 to 82 of its Programme of Action.

For an effective beginning to be made for a global mission like HRE some consensus on its definition and objectives is a must. It is important that a standard definition of HRE is made available as also a definite set of objectives towards such HRE. This consensus was arrived at in the Vienna Conference.

For the purposes of this Decade, "HRE shall be defined as training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes". These efforts are directed towards: (a) Strengthening of respect for human rights and fundamental freedoms; (b) Full development of the human personality and the sense of its dignity; (c) Promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups; (d) Enabling of all persons to participate effectively in a free society; (e) Furtherance of the activities of the United Nations for the maintenance of peace. (Jose Ayala Lasso: Plan of Action for the U.N. Decade for Human Rights Education, 1995-2004).

As can be seen, the human rights mission has been systemically conceived in an input-output format which enables realization of the ultimate goal viz., universal culture of human rights. Thus, it can be explained with the help of the following diagram:



(ii) Curriculum

Many studies including authoritative ones done by A.Eide, Torney-Purta, Starky and others have argued that human rights education can no longer reflect a "paradigm based on certain assumptions". A comprehensive curriculum should seek to avoid the following assumptions pointed out by the pioneers in the field, while designing the course contents. The assumptions which need to be avoided include: 1. A Complete fragmented view of human rights that undermines the indivisibility and inter-relatedness of all rights and often highlights individual civil and political rights over economic, social and cultural rights, neglecting group, people and other rights e.g. right to development, right of indigenous peoples to self-determination etc. 2. An overstress on the legal or juridical dimensions of human rights teaching. 3. An emphasis on governmental or state interpretations and roles that does not raise critical questions about authoritarian governance or about elite considerations and interests in shaping human rights education. 4. A lack of recognition and legitimacy accorded to the role of non-governmental and people's organizations. 5. A greater attention to the symptoms rather than the root causes of human rights violations. 6. Dominance of human rights theory and practice from the developed western countries over the voices and demand for historical-contextual relevance of human rights. Apropos of this, it is worth mentioning two basic principles which were agreed upon in the Final Conference Document (1996) of the Conference/Workshop on Asia-Pacific Human Rights Education for Development (held at Manila on December 13-15, 1995): A. "Human rights education must embody the right to development, and programs and activities in development must uphold human rights in all its dimensions..." B. "Human rights education must be rooted in the realities of the lives of people especially the most marginalized and vulnerable, and empower them to participate fully in the development process" (Toh Swee-Hin).

(iii) Practice-based Learning

Conventional education is typically known for its 'banking model' operations in so far as the learners are required to 'deposit' in their minds to 'encash' later through examination based performance. This methodology is essentially one-way and teacher-centric, as described above. Paulo Freire lamented over such a state of affairs: "Education is suffering from a narration sickness".

HRE, in contrast, should aim at internalizing learning for such behavioural outcomes which would influence social behaviour in general and particular settings of human experience in particular. As can be visualized, the sum-total of such behavioural outcome will ensure beyond doubt emergence of a value-based society. To bring about such results, Ian Lister suggests that human rights education should employ activity-based methodology which consists of new forms of teaching and learning such as, group work, problem-solving exercises, socio-drama, role-play and simulation. According to this pioneer of such experimental learning, there are two main reasons why HRE should employ activity-based and assignment-oriented practical methodologies. First, the key values of human rights have been found to be same as those of education for democracy. These values include freedom, toleration, fairness, respect for reasoning and respect for truth. Any right thinking person can easily visualize that these "procedural values" (i.e., values which teach us how to behave in society's various circles) have nothing to do with their being "western", though the experiments were conducted in those societies. The democratic life which is essentially promoted through such exercises is universally desired and aspired for. It is also the basis for human rights being universal, a "common standard of achievement for all peoples and all nations" (as mentioned in the Preamble to the Universal Declaration of Human Rights).

The second reason for employing such practice-based learning is that "we want to enable students not only to identify human rights issues but also to be able to act upon them in ways which may affect outcomes. This would involve educating for capability improvement as well as relating education to real-life situations. But, as can be visualized, such a system of education may lead to repercussions beyond the control of an educational institution where such HRE is practiced". Consider the following observation of another pioneer, Jeremy Cunningham who wrote about such a Course on human rights taught in a secondary school:

> "A general criticism was that students felt themselves bombarded with values and problems. Some actually felt guilty at their powerlessness to affect a situation like Apartheid in South Africa, and had a sense that they were being taught about it in order to feel responsible for it".

Other observers (Stefanie Duezek e.g.) from the field have also pointed this danger: instead of 'empowering' them, such courses may give the students a sense of their own 'impotence' or influence them into extremist roles against the State or some sections of society. Such being the daunting nature of this complex exercise called HRE, these pioneers would advise us "to recognize whatever progress made in the human rights field" through which human rights extensions have taken place. But all told, human rights raise challenges for "teachers" in or outside their class rooms, "educational and other institutions" as social organizations and the very "nature of education" in society as such. To repeat the caution, human rights issues, however, are "long term, slow to change, and may seem to be intractable" but not impossible to overcome, given a sense of concern, commitment and dedication on the part of the learners including professional teachers.

In another vital area related to human rights education, Derek Heater provides a useful check-list about what should be learnt at the school-leaving stage. As applied to the specific stage in our society, this check-list given below should be answered by all the human rights educators since it aims to provide a basis for designing the human rights curriculum in so far as "a certain style of attitude" is to be developed and "a certain range of skills" is to be mastered. These are: 1. Knowledge of historical development. 2. Knowledge of contemporary declarations, conventions and covenants. 3. Knowledge of some major infringements of human rights. 4. Understanding of the distinction between political/legal and social-economic rights. 5. Understanding of the basic concepts of human rights. 6. Understanding of the relationship between individual, group and national rights. 7. Appreciation of one's own prejudices and the development of attitudes of toleration. 8. Appreciation of the rights of others. 9. Sympathy for those who are denied rights. 10. Intellectual skills and 11. Action skills.

The summary comment of Heater, a pioneer of various early experiments in human rights education is instructive for any planner of human rights education programme:

> "If the ideals of human rights are to have any chance of being even approximately attained, the school must impress upon its students the interdependence of the various levels: interpersonal, national and global. For as the world becomes increasingly interdependent economically and ecologically, so it must become more fully integrated in its moral standards".

(iv) Public Dissemination of Human Rights Information

It goes typically with 'elitism' of the 'knowledge industry' that the most vital concern of HRE dealing with the vast masses of people outside the organized sectors of learning has remained neglected so far. At the most, the need for dissemination of human rights information has been focussed here and there and invariably, bringing in the role of media which has an enormous outreach potential, to address these concerns. The apathy shown in this regard has been simply beyond words. Mass media can do wonders through exposing violations, undertaking delivery of systemic human rights education as an "educational response to the subjective desires of the person" and above all, through destroying the barriers of number, social hierarchy, economic inequality, cultural exclusion, and so on.

REFERENCES

Amnesty International. 1984. *Human Rights Education Pack*, London.

Carl, Rogers. 1930. *Freedom to Learn for the 80s*, Merrill, Columbus.

D. Heater. *Human Rights Education in School: Concepts, Attitudes and Skills*.

Ernesto, Ottone. *Globalization and Educational Change, Prospects*, Vol. 26, No.2, 1996.

F. Audiger & G. Lagelee. 1992. *Civic Education - Teaching About Society, Passing on Values*, Strasbourg, Council of Europe.

Howard, S. Mehlinger. 1981. *Social Studies - Some Gulfs and Priorities*, Chicago.

I. Lister. 1984. *Teaching and Learning About Human Rights,* Strasbourg, Council of Europe.

Luis, Sime. 1994. *Challenges to Popular and Human Rights Education*, Journal of Moral Education, Vol.23, No.3.

Office of the UNHCHR: United Nations Decade for Human Rights Education (1995-2004).

S.M. Shafer. 1987. "Human Rights Education in Schools", N. Berustein - Tarrow (ed.), *Human Rights and Education*, Oxford.

Toh Swee-Hin.1996. *Human Rights Education - New Trends and Initiatives*, Canada Human Rights Foundation.

Upendra Baxi. "Human Rights Education - The Promise of the Third Millennium"? Paper presented to UN Member-States and Non-governmental Organizations (on the occasion of the launching of the UN Decade for Human Rights Education (1995-2004), December 1994.

Part II

Role of Educational Institutions

Promoting Human Rights Education in Universities

Moolchand Sharma

I thank the Indian Social Institute, particularly Dr. Pal and Dr. Pinto for having given me this opportunity to be here. It has been really education to me to hear a very powerful critique from Dr. Pal and sometimes a powerful endorsement too from a number of participants. Critique as well as endorsement are the milestones to which one looks to learn for future. I am here to learn and I feel humble because I think I belong to that category of society who is more in the business of talking and less in the business of practicing; and here I am facing practitioners; so I feel very humble.

I want to make one point clear in the beginning itself and I am very thankful to Dr. Pal because he did mention it yesterday at the inaugural function. I am not representing either the University Grants Commission here nor am I here as Chairman of Human Rights Education Committee of Delhi University. Let me make it clear that I want to retain my freedom of speech and I will enjoy my freedom of speech with practitioners of human rights better if I divorce both these positions when I am here with this gathering. And, therefore, you will appreciate that what I state here I do so not on behalf of the UGC or on the behalf of the committee of the University. By the way, Dr. Pal, let me give you another piece of information that the committee on Human Rights Education, Delhi University set up about which you made a reference yesterday [see R.M. Pal's paper in this book] – the committee has been changed and there is now a new committee and my good luck or bad luck I was in the previous as well as in the new committee. Now I am the Chair of the new committee so I will come to you and seek the right way from you and we will try to do something meaningful.

Coming to my very unstructured and very disorganized views – I won't say that I am sharing views, rather I am sharing some of my feelings. I feel that this whole agenda of Human Rights Education as pointed out by Prof. Sinha [Professor Prabhakar Sinha is a Vice-President of People's Union for Civil Liberties] is a very complex affair. But at the same time, it is also a simple affair and I consider that the line which draws distinction between the complexity and simplicity is very thin. It is simple if I have to talk to my students and that I can say in one sentence: Here you are all learned people. I think Human Rights Education is nothing but an activity to foster, to promote, to inculcate and to strengthen Human Rights culture. It is indeed simple, just like, two plus two is four. The real problem, however, would arrive when we are faced with the question: What is that Human Rights culture? I think a Human Rights culture, to put it in simple words, is one which is sensitive to human sufferings, human pains, human pleasures and human dignity. Human Rights is a culture which is more responsive to the human material/non-material, spiritual, emotional, sentimental feelings of each and every human beings. I may also add that human rights culture is a culture in which every one's individuality, capacity, capabilities, and views are fully appreciated, understood, respected. I think that is human rights culture and an education which is real to these three things. It is a very complex affair, and in this sense it is not an easy task; it is not a single track task, it is not even a single actor oriented task, it is not a single contextualised task; it is multi-contextualised, it is multi-disciplinary, it is multi-institutional. The complexity relates to this aspect – can education bring about this culture?

Almost every institution around me has to work in this direction and I, being an educationist, am only a minor actor; I am only one of those institutions. Yet I have a responsibility, I have an obligation to promote human rights education. It is in this context that I refer to my own obligation to the role of universities, colleges, schools and human rights education.

Education has to operate at various levels; it has to be structured at various levels, and has to be organised in different manners. It may begin from the level of spreading awareness and understanding of human rights and values and ethos of human rights amongst people – not merely spreading awareness of rights but also spreading awareness of my duties of respecting the other person's rights. More importantly, the education itself should create confidence in the people and the capabilities in the people that they have the inner strength to stand for protection, realisation, enforcement and even for agitation when these rights of theirs or others are violated. Human Rights Education is not passive; it is active, it is pro-active, it is empowering me to fight for human dignity of my own and of my neighbour. It may travel to my neighbour and from one nation to another nation. When human rights of the people of Uganda or Botswana are being mercilessly violated, other nations must extend their support and sympathy to the victims. Which means we stand up for protection and enforcement of human rights and agitate whenever and wherever these rights are violated.

So far as human rights problems are concerned these have social, historical, cultural, political and moral contexts and these vary from place to place. Therefore, another level at which human rights education is to operate is to make people shake some of their prejudices. This issue is extremely important. Our prejudices built in the name of sex, caste, religion and so on, are real issues. Human rights education has to face the challenge; if education cannot help me in removing my prejudices, what else is going to help me to do this. I am aware, however, that education imparted through distortion of facts, can give rise to prejudices. But as a student of Human Rights Education my aim is to build a new kind of society in which there will be no prejudices – prejudices in the name of caste, sex, etc. In short, the purpose of human rights education must be to remove these prejudices from our mind and from heart.

There is also a need for attitudinal reform, and Human Rights Education must take care of this aspect.

I think we will be doing a great service to the potential for universities, and colleges if we encourage them to do the kind of research which will enhance the cause of human rights. We should not eliminate universities and colleges from our map of human rights file. Social activists and intellectuals should come forward to help us in our fight for the cause of human rights. NGOs can render a great service to us with their scientific analysis. I may give one example. When the Bhopal Gas Disaster case was being argued in the Supreme Court we came to know of the tremendous amount of research done by NGOs in the case. Universities and colleges must be allowed to make use of this research. It is in this context that NGOs and universities must join together.

NGOs are not our adversaries. We in universities are not aware of the intensity of human rights violations, nor do we know the mechanisms, the methodology, the apparatus which are operated and are violating an individual's human rights or the human rights of the community. Therefore, we need to understand these mechanisms and make use of them.

Let me refer to a case which came up before the US Supreme Court of the United States of America relating to sexual abuse of children on internet and on website. The Supreme Court opined that it was a question of freedom of speech and expression and that the court would not intervene. So that sexual abuse on internet and website continues. Now, we in universities and colleges need to do research with a view to finding out the kind of argument that we have to advance to do away with the evil that is being generated by internet and website. After all, courts, laws, institutions and all these have to be accountable and have to face new challenges posed by evil practices.

Scholars like Professor Sibnarayan Ray whom Dr. Pal has referred to in his background paper, and Professor Rajni Kothari in his Key-note address, maintain that human rights education cannot be centralised. I fully endorse this view. The nature of human rights education is such that it cannot be centralised. Centralisation defeats the whole purpose. I may mention that the UGC's Approach Paper and the NCERT approach are diametrically different. The UGC Approach paper very clearly articulates that there may be some modules which are only examples. I know, however, that giving examples may sometimes block the mind. The UGC Approach Paper is addressed to those who are involved in human rights education and they will surely appreciate that what the UGC document writes is only by way of examples. For it clearly says that each university will come out with its own methodology of imparting human rights education; it gives them the freedom of action with regard to curriculum. This approach paper has been thoroughly critiqued right since yesterday, so I don't require to speak much about this.

Human rights education has to be multi-experienced. It has to be based on grassroots, that is, violation of human rights. Unless I go to the grassroots my education will not have any meaning. I have to know what is happening in villages where everyday human rights are being violated; if I don't bring in those violations of human rights in my classroom discussion I will be very unrealistic, and there will be hardly any communication. I will be like a preacher rather than one involved in the business of education. So it has to be grassroots, it has to be contextual, it has to be localized. NGOs have to play a great role in this scheme of human rights education. I have to make use of NGO's experiences in my class. May I add that NGOs, too, need the universities and colleges. I have come across a number of NGOs who have fascinating data and material of case studies. They want to make use of these case studies in a concrete manner. They want to collate their data scientifically, but are not able to do for lack of techniques and tools. Universities must provide the techniques and tools and then I can bring their findings to classrooms.

Three important things came up yesterday morning in this discussion. These are very crucial if human rights education has to have a meaning. First is faculty development. I don't think I can do better than what Professor Imtiaz Ahmad said yesterday. Who will conduct human rights education? Do you think I can do it. Let me be very honest, I can't, because I don't even know when I am hurting my sensitivity and yours. It is important, therefore, that we give our attention to faculty development, that faculty which is sensitive to human rights, which understands and appreciates our pluralism.

I was involved in a major project, comprising three countries, South Africa, USA and India, on diversity and higher education (I was made Director of the project). Before we launched the project we collected about 40 vice-chancellors; we raised the problem of violence, which takes place in our country in the name of religion, caste, etc. We must do something in the matter specially about diversity and pluralism on the campuses. The vice-chancellors thought that we were doing something very disastrous! One after the other stood up and warned that what we were talking about would create problems in the campus because the minute I start talking about pluralism, the caste system, religious tolerance or religious appreciation and so on, I will be creating problems for them. Each one of them said that they had no such problems in his/her campus! That was an eye opener for me. The leaders of higher education in our country are concerned about pluralism, caste system etc. only as problems! They wake up only when there is communal violence. They are not willing to get into the roots of communal violence, for example. It is in this context that the faculty needs to be developed. We need to understand that pluralism and religious tolerance, for example, are to be treated as a source of positive social and cultural values. This is an important asset which needs to be preserved, protected, fostered and strengthened. This is how human rights culture will evolve.

I may refer to Babri Masjid. What happened to Babri Masjid was because of the absence of dialogue and discourse. Similarly wars have taken place largely because dialogues and discourses could not be built in. I think it is a great challenge for faculty to learn how to build the dialogue. In my class I teach a course called 'law and poverty' and I think we are the only university [University of Delhi] where we teach this course which started four years ago. In this class I started teaching a topic – Affirmative Action – and the whole class went into frozen silence. One day, two days, three days, four days, on the fifth day it caused constipation to me. I have never been used to a class where I am not grilled. So, I asked them, "What is the wrong? Am I not communicative"? Again total silence. After two days one gentleman told me, "Sir, we have always enjoyed your classes but this time you have disappointed us. You are teaching Affirmative Action, you are talking about the evils of the caste system, and so on. I have now become conscious about caste. I was not caste conscious before this. The whole class feels this way".

I got really upset. About that time I read a story in The *Statesman*. There was drought in Bihar and one NGO put up a camp and started distributing free *khichri*. This went on alright for two days. On the third day there was a commotion, people fought each other and twenty people were injured. There was enough *khichari* in store which could be distributed. A gentleman, when his turn came, said, "I have an old mother, I have a wife, I have three children. For the last three days they have not taken a grain of food, they are just starving. You are giving this free *khichari*, why don't you give me uncooked food since I am a Brahmin. The cooked food is polluted"! That press clipping became a real source for me to build a dialogue. Human rights education is building a dialogue, a discourse, and I think, therefore, faculty development and teaching methods, more than curriculum development, are important. Because whatever curriculum I may have, it will go to the dustbin unless I have a qualified faculty, but unless I use effective methods, and make myself communicative to them, to build a discourse and dialogue, to build the critique in the class, the faculty cannot deliver the goods. I will have to be very sensitive to the needs of my students; I just cannot impose my views. I must learn to be challenged. I must learn to be critiqued. I must learn to be told, "you are wrong". I must learn to be told, "you told that you are a violator of my human rights". Unless these things happen I don't think human rights education can have a meaning. I would, therefore, give the utmost importance to these three important challenges: faculty development, teaching methods and curriculum development. Curriculum development has to be contextualised, has to be multi-experienced, has to be carried through not with the help of one faculty; it has to be multi-faculties. In my class I must have an investigative journalist, I need to have an NGO perspective, and so on. I think human rights culture would be served better if we start searching for allies rather than adversaries.

Young People's Understanding of Human Rights

Arjun Dev

The study in India, some of the findings of which are reported in this note, was conducted during 1996-97 as part of a four-country Commonwealth study – the other participating countries were Northern Ireland in U.K, Zimbabwe and Botswana. The core of the study was a student questionnaire which was based on a conceptual map covering seven areas: law and administration of justice, equality of opportunity, history (mainly relating to colonial experience, independence and democracy), civic and social rights and responsibilities, consumer rights, violence and identity. The Indian team conducted a supplementary survey with another student questionnaire which focussed on some issues that were considered specific to the Indian context. Besides the student survey, the study included a survey of the school curriculum for the secondary stage, qualitative interviews with the principal and two teachers of each school included in the sample and follow-up interviews with four students from each of those schools.

The school sample selected for the study in India was eight schools – in other countries, the number of schools was five. While selecting the sample, a major consideration was to see that the schools selected should together reflect the ecological-geographical and socio-cultural diversity of the country as well as student population of both boys and girls from various socio-economic strata. Considering the variety and diversity in the courses of study and the educational materials, particularly textbooks, it was decided that the sample should be drawn from those schools which follow broadly the same courses of study at the Upper Primary (Classes VI-VIII) and Secondary (Classes IX-X) stages and are subjected to the same public examination at the end of the Secondary stage. Because of these considerations, it was decided to select four urban schools located in four geographical regions along with four predominantly rural schools in the same or the adjoining districts in which the urban schools were located. All these schools are affiliated to the Central Board of Secondary Education, New Delhi. No private school nor any exclusively girls' or boys' school was included in the sample. The student sample from each of the eight schools was drawn from two classes – Class IX and Class XI. Twenty students of class IX (10 girls and 10 boys) and 20 students from Class XI (10 girls and 10 boys) were selected from each school following the Random Numbers Table. The total student sample was 312 (151 girls and 161 boys; the number of Class XI girls in the sample from two schools in Rajasthan was only 71 instead of 80). The student questionnaire was administered in all the schools during the first fortnight of December 1996. It was followed up by qualitative interviews with students, teachers and Principals. This note is based on the students' responses to the questionnaire.

1. Students' Responses to the Questionnaire

i. Law and Administration of Justice: The introduction was: You see a policeman catch someone who is running away with an article from a shop. [Six questions followed, and students were asked to tick or answer YES or NO to each. The last two questions were open ended].

Would you expect the policeman to beat the person and put him or her in prison?

ii. Would you expect the person to be tried in a court of law?

iii. Would you expect the person to have a lawyer who can examine witnesses and plead in his or her defence?

iv. Would you expect members of the public to watch the case being tried in court?

v. Would you expect that the judge or jury will not decide as to whether the person stole the article until after they have heard the case?

vi. Would you expect that the policeman will take a bribe either from the thief or from the shop owner?

vii. In this incident, what do you think should happen?

viii. From your experience, what do you think would really happen in practice if this incident took place near where you live?

The aim of this group of questions was to see whether students understood that extra-judicial action by police is unlawful; that a person accused of theft has a right to trial; that an accused person has a right to defence; that trials are held in public; that a judge or jury should not decide until they have heard the case.

The questions relating to these human rights concepts also required of the respondents a clear understanding of the distinction between their perception of things as they are and as should be. The responses show that this distinction is generally well understood and while their perception of things 'as they are' casts a reflection on the existing reality, their understanding of and professed commitment to human rights as reflected in their responses to things as they should be, is quite high. About 72 per cent respondents think that the policeman who catches an alleged thief will beat him and about 45 per cent think that the policeman will take a bribe. However, over two-thirds are not only aware of the due process but would also like the alleged thief, even when they advocate the due process to be followed, to be dealt with humanely or with compassion, and over 40 per cent think that one should also go into the reasons that led or compelled the person to commit the alleged theft. These perceptions reflect a commitment to human rights values which go beyond a commitment to law and administration of justice in terms of due process. It is also notable that the percentage of those who do not think that there would be an open trial, that the person would be defended by a lawyer and that the question of the person's guilt would not be decided until after the case had been heard, is not negligible. What may be of even greater concern is that about 18 per cent support the policeman beating the alleged thief. That the lack of support for due process and insensitivity to unlawful acts of the police is not negligible, needs to be taken note of. It may also be necessary to go into the possible reasons for this view which may be based on a certain perception of the law and order situation.

2. Equality of Opportunity

The introduction was: You see four persons applying for a job who have the same qualifications and the same experience; two are men and two are women; the persons come from different races, cultures and religions [also tribes, languages and castes]. What do you think will really happen in practice? [Five YES/NO questions follow, and then an open-ended question].

i. The person will get the job who is most liked by the people making the appointment in terms of their sex, race and religion [also tribes, languages and castes]?

ii. The person will get the job who performs best at the interview test?

iii. One of the two men will get the job?

iv. Either the youngest or the oldest of the four will get the job?

v. Will three of them have reasons for complaints if the one who performed worst at the interview test was given the job?

vi. Who do you think should get the job?

The object of this group of questions was to get students to think about equality of opportunity in employment; specifically they had to consider the situation in their own societies with regard to similarities between those appointing and those appointed, the acceptance of "quality" or meritocratic criteria, racism etc., gender equality and ageism. Finally the open-ended question required them to suggest what they thought was a fair basis for an appointment.

The responses to the questions on Equality of Opportunity reflect a greater awareness of and commitment to human rights. About 68 per cent think that the person who performs best at the interview will get the job; and while about 58 per cent think that the selection will not be determined by considerations of gender, tribe, caste, religion and language, 42 per cent think that these considerations will determine the selection. However, to the question who they think should get the job, about 86 per cent have responded that the most qualified should get the job; and another over 10 per cent think that the most needy or the one both qualified and needy should get the job. No student mentioned any other consideration in deciding who should get the job.

3. History

There were two statements, each followed by three questions, which sought to elicit students' perception of two major phenomena of twentieth century history – (A) Colonialism and (B) Independence.

A. Statement: Colonialism – ruling and controlling of a country and its people by another country is now thought to be wrong.

Three statements were given to explain why colonialism was thought to be wrong and respondents were asked to indicate their responses in terms of 'Strongly Agree', 'Agree', 'Disagree', 'Strongly Disagree', 'Don't Know' and 'No Response'.

B. Statement: A country which is not ruled and controlled by another country is an independent country. It is considered right for every country to be independent.

There were four questions in this part which sought to elicit information from the respondents about their perception of 'independence' with reference to rights.

On most questions dealing with these issues which require responses on a five point scale, the responses of an overwhelming percentage of students show a fairly high level of understanding of human rights issues involved; in some cases, it is nearly universal. About 90 per cent students strongly agree or agree with the view that colonialism is wrong because people in every country should be free to choose their own government and their own way of life. About 63 per cent think that a country which is independent is not necessarily a democratic country. Over 85 per cent support the view that for everyone to be able to enjoy their rights, the people need to vote, to obey the law and to take an active interest in what goes on around them. The reasons stated by them for this view include, among others, the following: otherwise people will be deceived by rulers; otherwise people's rights will be taken away; otherwise stronger people will exploit weaker people; to exercise restraint on the power of ruling groups, it is essential to be involved in public affairs. Even those who disagreed (12.5 per cent) had their reasons such as, 'All politicians are the same – corrupt – doesn't matter' or 'Because votes can be bought'.

4. Civic and Social Rights and Responsibilities

The introductory statement was: Imagine you are a grown-up adult in your country. How important do you think it is for you and the well-being of your country that you and your friends should: [Six questions follow, to be answered VERY IMPORTANT, IMPORTANT, DON'T KNOW, UNIMPORTANT, VERY UNIMPORTANT; the seventh question is open-ended.]

i. Vote in elections?

ii. Pay your taxes?

iii. Know what your Government is doing?

iv. Be free to join societies, political parties, trade unions, and to follow the religion of your choice?.

v. Support your Government and others when they try to provide homes for the homeless, better health care, more and better schools, jobs and food for the poor?

vi. Act to support the homeless, health care, education, jobs and food even if the Government could not?

vii. Is there anything else you could do to strengthen social rights and responsibilities as a citizen in your country?

The aim of this group of questions was to test basic citizenship commitments (the first three); the degree of backing for freedom of association, political freedom and religion (the fourth question); support for economic and social rights (the fifth question); and a sense of individual responsibility for economic and social rights (the sixth). This group of questions overtly matched the concept of rights with the concept of corresponding duties.

The vote has been considered very important by over 82 per cent and important by another about 14 per cent. The percentage of students who think that it is very important or important for them and their friends to pay taxes which government can use for providing services for the people is 94 and over 95 per cent of students (in the case of class XI students, about 98 per cent) think it is very important or important for them and their friends to know what their government is doing. Support for the government and others when they try to take steps for the welfare of the poor is nearly universal.

In their responses to some of these questions, the main difference in the understanding of the two groups belonging to two school classes is reflected in the degree of agreement with, or importance they attach to, a particular right or responsibility. On the importance of voting, for example, while 74.5 per cent of class IX students consider it very important, 91.5 per cent of class XI students do so.

A notable finding from the responses to many of these questions is that while a very high percentage of students, on some almost 100 per cent, shows awareness of human rights; it is not matched by a corresponding expression of enthusiasm and commitment to act for promoting them. For example, while 80.4 per cent think it is very important to support the efforts of the government and others for promoting the welfare of the poor, the percentage of those who think it is very important to act to support the efforts for promoting the welfare of the poor 'even if the government itself could not' is only about 52. Similarly, voting in elections is 'very important' to 82.6 per cent; knowing what the government is doing is 'very important' to 75.3 per cent; paying taxes is 'very important' to 0.67 per cent but the view that they and their friends should be free to join societies, political parties and trade unions is considered 'very important' by only 36.2 per cent. A similar lack of enthusiasm to act or to express a legitimate grievance is also reflected in the responses to the questions on Equality of Opportunity. As has been mentioned earlier, about 86 per cent think that the most qualified should get the job and another over 10 per cent think that the most needy or the one who is both qualified and needy should get the job. However, only about 57 per cent think that if the person who performed worst at the interview was given the job, the others would have reasons for complaint and 42.6 per cent even disagree with this.

The examples mentioned above, except the last one, refer to only the very important responses which reflect the high degree of importance that the respondents attach to a particular issue. Combined with the important responses, the understanding and perceptions reflected are more reassuring. But the discrepancies in very important responses and the lack of overwhelming support even for expressing a legitimate grievance (in the question on Equality of Opportunity) can be taken to be a reflection of passivity and a reluctance to get actively involved. This phenomenon may deserve to be taken note of by those concerned with education as a whole, including promotion of human rights education.

5. Consumer Rights

The introductory statement was: As a citizen of your country you use many products, read newspapers and listen to radio or watch TV. Then followed five questions, to be answered STRONGLY AGREE, AGREE, DON'T KNOW, DISAGREE or STRONGLY DISAGREE:

i. Do you think that a consumer is entitled to get money back if a product is not what it claims, or cannot do what it says on the packaging?

ii. Do you think advertising a product often involves exaggerating or lying about what it can do?

iii. Do you think that radio and TV should give all sides of an event and not only report what Ministers and officials have to say about it?

iv. Do you think that it is always wrong/unfair if officials take bribes?

v. Do you think that if a company or individual pollutes or damages the neighbour's land, property, animals, or the water they drink or the air they breathe, the company or individual should be prosecuted in court?

The aim of this group of questions was to see how far students might recognize that citizen's rights are affected by misleading advertising or media reporting, by corruption among officials, or environmental pollution.

Out of 5 statements relating to consumer rights eliciting response on a five point scale, a majority of students strongly agree with only three. These three statements refer to the media giving all sides of an event and not only reporting what Ministers and officials have to say (about 65 per cent), taking of bribes by officials being always wrong (about 68 per cent) and prosecuting a company or individual if they pollute or damage the environment (about 61 per cent). Combined with those who agree, the percentage figures are about 91, 84 and 90 respectively. It is notable that these three statements for which there is overwhelming support, including 'strong support', deal with issues of wider public concern or of public policy. The 'strong agreement' with two other statements on consumer rights which deal with products – a consumer should get money back if a product is not what it claims or cannot do what it says on packing, and advertising a product often involves exaggerating or lying about what it can do – is much less than with the other three statements mentioned earlier, though when combined with those who 'agree' the percentage in both cases is over 75. The statement that advertising a product often involves exaggerating or lying about it, has been 'disagreed' and 'strongly disagreed' to by over 17 per cent students. The perception of the possible threat which advertising poses to the rights of consumers is comparatively less widespread and is felt less intensely than the perception of other threats.

The reasons for lack of 'strong agreement' on statements relating to products may need to be looked into. Most of the products which most Indian consumers buy are not 'packaged' products as they are in some other countries. Most of the products which are marketed with a blast of advertising are for the relatively well-off and affluent sections. Because of these reasons, the relevance of these questions in Indian conditions is perhaps not very great. Another possible reason is also the lack of enthusiasm on issues involving active participation. There is, additionally, inadequate awareness of the importance of consumer rights issues and the avenues for the redressal of consumer grievances.

6. Violence

The introductory statement was: All countries suffer from fights and murders. Fights in the home can result in injuries. Violence is much worse where there is a war or civil war.

Do you think: [Eleven questions follow, to be answered STRONGLY AGREE, AGREE, DON'T KNOW, DISAGREE, STRONGLY DISAGREE; there follow two other questions to be answered YES/NO; the final question is open-ended].

i. Violence is never necessary, because it is always possible to settle an argument/issue peacefully?

ii. People who use weapons or violence do so because they think they are stronger?

iii. People who use weapons or violence do so because they know they could not persuade their opponents without using force?

iv. Friends and neighbours should do something if they think a husband is beating his wife?

v. Friends and neighbours should do something if they think a wife is beating her husband?

vi. Friends and neighbours should do something if they think parents are injuring their child?

vii. Police are right to use any necessary force to stop a crowd rioting, or to prevent property from being destroyed?

viii. Children should not be bullied by other children?

ix. Children should not be bullied by their teachers?

x. Children should not be bullied by their parents?

xi. Nearly all Commonwealth countries have adopted the United Nations Convention on the Rights of the Child. Have you ever been told in school what these rights are?

xii. Does violence of any kind worry you now?

xiii. What do you think should be done to reduce violence?

The aim of this group of questions was to go beyond the concept that citizens have the right to a peaceful existence, to explore why violence is used, domestic violence and bullying, the legitimacy of state violence, and knowledge of the UN convention whose Article 19 is designed to protect children from violence.

There are three statements on domestic violence – about husband beating wife, wife beating husband and parents injuring their child. That friends and neighbours should do something in such cases has not been 'strongly agreed' to by a majority of students. The highest percentage of those who 'strongly agree' (a little over 48) is in cases involving husband beating wife. For statements referring to wife beating husband and parents injuring their child, the percentage of those who 'strongly agree' is the same – 34.6. Even when 'the strongly agree and agree responses' are combined, there is much greater support for intervening in case of husband beating wife (about 83 per cent) than in case of wife beating husband and parents injuring their child (over 68 per cent in both cases). These are among the few statements in the entire Questionnaire over which there is very substantial 'disagreement' and 'strong disagreement' – in the case of husband beating wife, it is 15 per cent but in the case of wife beating husband, it is about 25 per cent and parents injuring their child, about 27 per cent. There are also notable differences in the perceptions of urban and rural students on all three issues of domestic violence. While only 5 per cent urban students are against intervention in case of husband beating wife, this percentage for rural students is over 25; in case of wife beating husband, about 14 per cent urban but about 36 per cent rural students are opposed to outside intervention and there is a broadly similar variation in the urban and rural students' responses on the issue of parents injuring their child. These responses show a much greater awareness of and sense of concern over domestic violence against women. The issue of oppression of women and violence against them has for long been a matter of public concern and it is not surprising that this concern is shared by students. The issue of wife beating husband is very probably not of much relevance in the Indian context. It is perhaps for this reason that the responses do not reflect any serious concern over this issue. (It may be interesting to mention here that there was much expression of mirth and much giggling by students when they came across the question on wife beating husband – the prospect seems to have delighted the students, both boys and girls.) The lack of strong support for intervention in case of parents injuring their child and opposition to such intervention by a fairly large percentage of students can be a matter of serious concern. However, it may be useful to keep in mind that while parents beating their child is not uncommon, it is not a major issue of public debate and concern or public intervention. Also, that parents have certain rights over their children, including the right to discipline them, with use of some force if necessary, is perhaps a generally accepted norm in most sections of Indian society. Another possible reason for the lack of support for intervention in such cases is that, perhaps, the incidence of serious violence against children in Indian families is much less common than in families in some other societies. The responses to all issues of domestic violence also perhaps need to be seen in the context of the continuing importance of the institution of family in Indian society and of the belief that all family matters should remain within the family and that outside interference in family matters is undesirable.

On some other issues, particularly police being right in using necessary force or children not to be bullied by other children, by their teachers or by the parents, the percentage of those who 'strongly agree' or 'agree' is quite high (over 80 per cent). The percentage of those who think that violence of any kind worries them now is over 72. The percentage of those who have stated that violence is sometimes necessary is less than 5. There is, on the whole, a fairly high percentage of opposition to violence in general and support for the use of police force against public violence.

About 68 per cent students – the percentage is over 73 in case of rural students – have stated that they have been told in schools what the Rights of the Child (given in the UN Convention) are. This is particularly notable because schools are not credited with having made any special efforts to promote human rights education.

7. Identity

The introductory statement was: Each of us is unique (special) and together we have rights under the constitution, by custom and practice, by law and international conventions (agreements). Then:

i. *Put in order (1,2,3,4,5) which of these rights is most important to you.*

Give (1) to the most important and (5) to the least important:

The right to your name?

The right to your religion?

The right to go on living – the right to life?

The right to your own language and culture?

Your parents' right to bring you up as they wish, within the laws of your country?

ii. *Choose the 5 most important words that describe who you are.*

The students' perceptions of their identity are reflected in two sets of responses – ranking of five specified rights in order of the importance they attach to them and their description of themselves in about five words. While analysing the responses to the question requiring ranking, a fairly large percentage (over 23) had to be ignored. Of the responses taken into account – over 76 per cent of the sample – the right to life was given the first rank by over 51 per cent, their parents' right to bring them up as they wish was given the first rank by over 20 per cent, right to their name and right to their own language and culture were given the first rank by about 12 per cent each and right to their religion was given the first rank by 5.5 per cent. There are some variations in the responses of class IX and class XI students – they are quite marked with reference to the right to life and the right to their own language and culture – but these variations do not change the overall pattern that has been mentioned. The highest percentage of students have given the right to life the first rank. This is in conformity with the universally held notion which gives the greatest importance to the right to life. The second highest percentage of students have given the first rank to their parents' right to bring them up as they wish. This reflects the continuing importance of the institution of family and supports what has been stated in the previous section with reference to the question of domestic violence. The right to religion has been given the first rank by only 5.5 per cent students.

The students' own descriptions of themselves clearly bring out that a vast majority of them in both the age groups, do not see themselves in terms of narrow identities. A vast majority of them describe themselves in terms of good citizenship, as human beings, as those who value equality, as individuals and as member of a family. These responses together may be considered as reflecting an orientation in terms of secular values. This is supported by the responses to the questions on Equality of Opportunity discussed earlier when not a single respondent mentioned considerations of caste, tribe, religion, etc., as factors that should determine the selection of a person for employment. All these responses contradict the common notion that most people in India see themselves mainly in terms of their religion, caste or tribal identities. The responses to this and some other parts of the Questionnaire show that this notion is not well-founded at least for this group of student population. It is possible that many develop notions of themselves in terms of narrow identities at a later stage. Why and When this happens, if it happens, may be matters that need to be studied.

8. Experience of Human Rights Education at School

These questions were only put to class XI students. The introductory statement was: As you know, you are taking part in an important study involving selected young people in four Commonwealth countries – Botswana, India, Northern Ireland in Britain and Zimbabwe. It aims to find out what you know about human rights and similar issues, and will assist schools in future. There followed nine questions, and one open-ended one.

i. Have you discussed or learnt about human rights, and the sort of questions you have just answered, in any of the following over the past two years? [Answers YES/NO]

   In school?

   In your family/home?

   In talks with friends of your own age?

   In listening to radio or watching TV?

   In newspapers and magazines?

   Anywhere else?

ii. In which of these have you heard most about these questions?

iii. Which of these sources has been most helpful to you ?

iv. At school, do you think that your teachers are working together to make sure all students understand human rights, and the responsibilities that go with them?

v. Is there anything more you think school can and should do to help young people to understand the rights and responsibilities of a citizen?

The aim of this group of questions was to see how the older students saw their schooling, as compared with other sources of information and ideas about human rights; whether they had any sense of a cross-curricular or whole-school commitment; and whether they had any suggestions as to what more schools could do.

The responses to the Questionnaire (by class XI students only, as required by the design of the study) and the interviews with students bring out that the school is both the most important and the most helpful, though not the sole, source of promoting understanding of human rights issues. The next most important source has been stated to be the media, particularly the audio-visual media. Although over 67 per cent think that their teachers are working together to make sure all students understand human rights and the responsibilities that go with them, over 73 per cent have stated that schools can and should do more in this regard. The specific suggestions which only a small percentage of them has made in their responses to the Questionnaire but more during the interviews regarding what more the school should do reflect their dissatisfaction with school practices and teaching methods and their expectation that the school and their teachers would observe human rights in their treatment of students.

Responses to the Supplementary Questionnaire

1. State and Religion:

Students were asked to indicate their agreement or disagreement with five statements relating to state and religion.

(i) Statement: The State should not be concerned with spiritual or religions matters.

Of all respondents, 65.7 per cent 'agreed' or 'strongly agreed' with the statement while 28.5 per cent 'disagreed' or 'strongly disagreed'.

(ii) Statement: All religions should receive equal respect.

Those who 'strongly agreed' with the statement were 79.5 per cent and those who 'agreed' were 16.7 per cent. Only 1 per cent disagreed and another 1.7 per cent strongly disagreed.

(iii) Statement: Education should not be based on religion.

Of all respondents, 66.7 per cent 'strongly agreed' and 16.7 per cent 'agreed' with the statement. Those who disagreed were 7 per cent and those who strongly disagreed were also 7 per cent.

(iv) Statement: Politics and religion should be kept apart.

Those who 'strongly agreed' and 'agreed' with the statement were 52.5 per cent and 25.3 per cent respectively. Those who 'disagreed' were 11.5 per cent and those who 'strongly disagreed' were 5.9 per cent.

2. Events with disastrous impact on society:

Five disastrous events – Destruction of the Babri Masjid, Outbreak of plague, Communal riots in Bombay, Operation Blue Star and Bhopal gas tragedy – were mentioned and students were asked to rank them according to their understanding of their serious impact on society.

The destruction of Babri Masjid was considered the most disastrous event by 39.1 per cent respondents, followed by the outbreak of plague (26.3 per cent), Bhopal gas tragedy (21.2 per cent), Communal riots in Bombay (17.5 per cent), and Operation Blue Star (7.1 per cent).

3. Type of school

Respondents were asked to indicate which of the following types of schools they would like to join:

a) Where students from your own religious group study.
b) Where students from another religious group study.
c) Where students from all religious groups study.
d) Any one of the above (Religion no consideration).

Unlike most other questions, there were no 'No' responses to this question and only 4 out of 312 responded 'Don't Know'. Just about 1 per cent (3 students) said they would like to join a school in which students from their own religion study, a little more of them (4, all girls) said they would like to join a school where students from another religious group study, a majority (55.1 per cent) said that they would like to join a school where students from all religious groups study while a significant percentage (41.3) said they would like to join any one of them - to them religion of other students in the school was no consideration.

Various other issues were raised in the supplementary questionnaire. However, the responses to only a few have been mentioned in this note.

Limitations of the Study

The study on which some of the findings reported here are based had certain limitations which should be kept in mind. Given the geographical, ecological, cultural, linguistic variety and diversity, diversity in the process of historical development in different regions of the country and in social formations, and the variety in the systems of educational administration and curricula, the sample selected for the study is not fully representative of the student population of the concerned age groups/classes in the country. The findings of the study, therefore, can be no more than indicative.

Besides, the conceptual map which provided the overall framework of the study had its own limitations. While it included many basic dimensions of human rights education, it by no means covered all the major issues and concerns relevant to it. These limitations, however, in no way diminish the significance of the study and its findings. While the sample selected limits the generalisability of its findings for the whole country, the findings, at the very least, are indicative and provide the basis for hypothesizing for the whole country for conducting further studies.

That the sample of the study, though small, was selected from a school system which has its schools in all parts of the country and the schools, both rural and urban, selected in the sample are located in four different cultural-ecological regions of the country add to the significance of its findings.

It may be mentioned that the study conducted in the four countries included a review of curriculum and materials used in each country. The final report of the Commonwealth project stated that 'in only one of the systems surveyed (in India) was there a reasonably exact reflection of human rights concepts in school curricula'. (School-Based Understanding of Human Rights in Four Countries: A Commonwealth Study, Department for International Development, October 1997).

The section on 'Curriculum and Materials' in the report of the Indian study is appended to this note.

APPENDIX

Curriculum and Materials

This report is based on a review of the National Curriculum for Elementary and Secondary Education – A Framework (generally referred to as National Curriculum Framework), Syllabus Guidelines and Syllabuses for all subjects for Upper Primary and Secondary stages, and textbooks in Environmental Studies (Social Studies) for the Primary stage, Social Sciences (Civics, History arid Geography) for the Upper Primary stage and Social Sciences (History, Civics, Geography and Economics) at the Secondary stage. All these materials have been developed by the NCERT and are used in schools affiliated to the CBSE, including all those schools which were selected for administering the Students' Questionnaire and interviews with students, teachers and principals for purposes of the present study. As has been stated earlier, the first ten years of schooling in India comprising the Primary, Upper Primary and Secondary stages provide for general education with an undifferentiated curriculum. The review presented here attempts to describe certain aspects of the syllabuses and in the case of social science subjects, textbooks based on them that have a bearing on human rights education.

Some of the major components relating to human rights included in these syllabuses and textbooks are the following:

- Basic features of the Indian political system and Indian Constitution, particularly the Preamble, and Parts Ill, IV and IVA which have a direct bearing on human rights.
- Problems and challenges of contemporary Indian life – polity, economy, society, culture – which have a direct or indirect bearing on human rights.
- Diversity and variety of Indian culture, its composite and non-monolithic character.
- Indian social system and dynamics of social change.
- Major events in the history of India and the world relating to the struggle for political and civil rights as well as economic

and social rights, and the role played by common people and outstanding leaders in these struggles.

- Human Rights situation in the world, particularly with regard to gross violations in the form of colonialism, racialism and apartheid.
- Literary works which reflect human rights concerns and quest for freedom and human rights.
- Biological unity of human species.
- Major historical documents such as the Declaration of Independence, Declaration of the Rights of Man and Citizen, United Nations Charter, Universal Declaration of Human Rights, etc.

Various issues and dimensions of human rights have been reflected in the syllabus guidelines, syllabuses and textbooks for various subjects keeping in view the conceptual level of pupils at each stage of school education.

Primary Stage (Classes I-V)

The main relevant subjects at this stage are Environmental Studies and Language(s). The curriculum in Environmental Studies aims at promoting knowledge and understanding of natural and physical environment as well as of social and cultural environment. Beginning with the study of those aspects of the environment which are within the immediate experience of the child, its scope is extended to include the district, the state, the country and the world. Narratives and biographies of men and women from the history of India and of the world, India's freedom struggle and certain aspects of Indian Constitution are included in this course. The human rights dimension in this course has its main focus on the following:

1. Developing knowledge and respect for the diversity and variety in the ethnic composition and culture, in language, religion, customs and ways of living in India and the world;
2. Developing knowledge about men and women from different parts of India and the world through the ages, who have struggled for justice, human brotherhood and human equality;

3. Developing an understanding of the vision of independent India as it evolved during the struggle for freedom,
4. Promoting a broad understanding of India's national goals and main features of Fundamental Rights, Directive Principles and Fundamental Duties,
5. Promoting concern about deprivation, poverty, disease, illiteracy and inequalities; and
6. Developing knowledge and concern about the environment and its degradation.

The ideational content of the language course(s) has as one of its foci the development of personal qualities of compassion, tolerance and sympathy through an appropriate selection of stories, poems and other literary forms which are used in language curriculum at this stage.

The textbooks in Environmental Studies/Social Studies for Classes III to V have lessons on, among others, the following: the variety of cultural patterns in India (in dress, food, festivals), occupations and people who help us, local self-governing bodies, in Class III; cultural variety in different natural/geographical regions of India, India's linguistic variety, art and architecture, festivals (religious, cultural and national), variety in religious beliefs and practices, founders of various religions, Indian personalities from various periods of Indian history and different areas of life, how we govern ourselves, national goals, rights and duties, etc. in Class IV; and India's struggle for freedom, United Nations and its agencies, objectives and contribution, the main human rights enshrined in the Universal Declaration, life stories of Socrates, Abraham Lincoln, Karl Marx, Mahatma Gandhi and Martin Luther King.

The textbooks for Hindi language at this stage have lessons relating to such human rights issues as those relating to health, environment, the physically handicapped, dignity of labour, etc.

Upper Primary Stage (Classes VI-VIII)

The major subject areas relevant to human rights education at this stage are social sciences, science and languages.

Social Sciences: The NCERT's syllabus guidelines which provide the general framework for the syllabi in different social science subjects (history, geography and civics) lay stress on promoting appreciation of 'diversities in ways of living and interdependence of various regions of India and the world', and on the knowledge and understanding of civic and political institutions and of contemporary social and economic issues.

The course in History at this stage deals mainly with the history of India in the general perspective of the history of world civilization. It lays stress on developing 'understanding and appreciation, of India's cultural heritage and its composite nature, of its richness and variety', and 'a critical appreciation of the past so that the pupil's personality is free from irrational prejudices and bigotry, parochialism and communalism, and is imbued with a scientific and forward-looking outlook'.

The human rights dimension in this course, and the textbooks based on it, lies in (i) providing a critical understanding of Indian society through the ages, with some focus on the position of women, the inequalities created by the caste system, and various barbarous practices which arose during various periods and of attempts by reformers in various periods to bring about a more humane social order, including the role of the various reform movements since the 19th century in combating some of the barbarous practices against women and depressed classes and other sections of society; and (ii) developing knowledge and understanding of the struggle for freedom and the ideals that it embodied for reconstructing Indian society, polity and economy on the principles of democracy, secularism and egalitarianism.

The relevance of the Geography course which deals with the geography of different continents and of a few selected countries in each continent lies in bringing into a sharp focus the variety of ways of living in different parts of India and of the world, and developing an appreciation of this variety.

The course in Civics aims at promoting well-informed and intelligent citizenship for effective participation in the affairs of the community. At this stage, values of democracy, secularism, socialism and national integration are sought to be inculcated in the students. The course includes the study of the Constitution of India with an emphasis on the values of egalitarianism, democracy and secularism enshrined in it. The pupil is introduced to the study of Fundamental Rights, Directive Principles and Fundamental Duties included in the Constitution. The course also includes the study of contemporary problems and issues, including current social and economic problems facing the country, problems relating to the environment, arms race and human rights.

The Civics textbook of the NCERT for class VI deals with the representative local bodies and their functions, problems of rural poverty and indebtedness and steps taken to deal with them, social evils, superstition and ignorance which aggravate the living people, problems relating to women's status in society, rural development programmes, rights and responsibilities with reference to local problems of the community etc. The class VII Civics textbook deals with various aspects of the Constitution and government, India's national goals of democracy, secularism and socialism, the functioning of a democratic government, Fundamental Rights and Directive Principles and their interrelationship, Fundamental Duties, etc. The main focus of the class VIII Civics textbook is the study of problems and challenges facing India. It includes the study of the problems of building a secular state, ending inequalities, promoting national integration, combating the caste system and the inhuman practices associated with untouchability, the struggle against caste discrimination, illiteracy and poverty, problems relating to population – related questions, contemporary world issues and problems, including the study of the Universal Declaration of Human Rights, Convention on the Rights of the Child, cases of violation of human rights, racism, destruction caused by wars, use of atom bombs and the dangers resulting from stockpiling of arms, disparities between developed and developing countries, environmental pollution, etc.

Science: The guidelines for the course in science, which is introduced as a subject at this stage, stress the objective of inculcating a rational outlook and thereby help combat 'obscurantism and prejudices based on narrow considerations of caste, sex or religion'. The guidelines also emphasize the objective of promoting understanding of 'the processes and problems of areas related to agriculture, health and nutrition, environmental protection, energy and material resources and, more importantly, develop a scientific attitude to live more effectively as a responsible citizen'.

Languages: In the selection of the thematic and ideational content in language courses, the objective of inculcating human values and attitudes and promoting an awareness of human rights, international understanding and other issues of global significance has been stressed. The textual materials and the selections for anthologies in language courses at the Upper Primary and Secondary stages introduce the pupil to the literary heritage of the language that is being studied as well as the literary and cultural heritage of other languages and regions of the country and of the world.

Both these aspects – the thematic and ideational content and the literary heritage of languages of various cultures – constitute major inputs in education for human rights.

Secondary Stage (Classes IX-X)

Social Sciences: The syllabus guidelines for the Secondary stage define the framework of courses in social sciences at this stage as follows: "The study of social sciences as a component of general education is of crucial importance in facilitating the child's growth into a well-informed and responsible citizen. It should aim at developing in children an understanding of their physical and social environment, both immediate and remote, in terms of time and space and an appreciation of cultural heritage, both of India and of the world as a whole...."

The study of social sciences should aim at deepening their understanding of contemporary India and its social, economic and political development as an independent nation, and its composite culture.

> "The study of social sciences should aim at developing in the child a world perspective and an understanding of the problems of the contemporary world, particularly those relating to international peace and human rights and the establishment of a just world order. Above all, the study of social sciences should aim at developing in the child a spirit of enquiry, a scientific and forward-looking outlook and aversion to injustice and bigotry".

The specific objectives and content outline of History, Geography, Civics, and Economics which comprise social sciences at this stage provide for the study of various dimensions and aspects of human rights.

History: The History course at this stage is mainly an introduction to world history with a focus on main stages in the growth of civilization, in its social, economic and political aspects and on cultural and scientific development. The course also lays stress on the contribution of different peoples to the common heritage of mankind. Thus it helps promote knowledge and appreciation of diversities. By introducing the student to changes in culture, society, economy and polity through the ages the world-over, it promotes a critical view on issues which have a bearing on human rights. A major part of this course deals with colonialism and imperialism and the successful struggles for national liberation, movements for popular sovereignty and democracy and for social equality and justice, the rise of authoritarian, fascist and racist regimes and their collapse, all of which have a bearing on understanding the concept of human rights and its dynamics. These components also help provide a broad historical perspective for the study of contemporary problems, including issues relating to the observance and violation of human rights. It also introduces the student to some of the significant declarations on human rights, from the Declaration of Independence to the Universal Declaration of Human Rights.

Some of the specific topics and historical developments covered in the history textbooks for classes IX-X are the following: aspects of European renaissance which undermined the cultural and intellectual domination of the Church, humanism as a characteristic feature of the renaissance and its expression in art and literature, the beginning of modern science, rise of nation-states and the struggle against absolutism, early colonization (of Americas and parts of Asia and Africa) and slave trade, capitalism and the Industrial Revolution and their impact on society, the condition of industrial workers, the beginning of trade unions and socialist ideas and movements, revolutionary and nationalist movements including the American war of Independence, the French Revolution (along with their revolutionary declarations), growth of the socialist movement in the

19th century (along with the 1848 Revolution, the First and the Second International), struggle for democracy in England and for national independence in Latin America, movements of national unification, the study of imperialism and effects of imperialism on the subjugated countries (along with the struggle against imperialism), the Russian Revolution, rise of fascist and authoritarian regimes in the inter-war period, the Second World War and the victory over fascism, the national liberation movements and the collapse of imperialism and the rise of independent nations in Asia and Africa, the Cold War and various world developments connected with it, the apartheid system in South Africa and its collapse, collapse of Communist Parties' rule and of Soviet Union and its control over Eastern Europe, role of the Non-Aligned Movement in the struggle against colonialism and imperialism, etc. These books also have three units on India which deal with aspects of the growth of India's composite culture, the Indian awakening (including the social and religious reform movements of the 19th century) and the struggle for freedom and the vision of a secular democratic polity that it evolved.

Geography: The Geography course lays stress on issues related to environment and population.

Civics: Its main focus at this stage is to prepare students for their social and political role in Indian democracy. It aims at developing an awareness and critical understanding of the social, economic and political challenges facing the country, respect for diversities in ways of life and appreciation of the role and contribution of India and of the United Nations in the promotion of international peace. The course specifies the study of the problems of the minorities and the depressed sections of Indian society and of contemporary world problems, particularly human rights, disarmament and new international economic order. The specific projects suggested to be undertaken by students include the celebration of the Human Rights Day.

The Civics textbook for classes IX-X deals with the following topics/themes having a bearing on human rights education: individual and society, types of societies, social organizations, the state and the government, democratic citizenship, various forms of government, Indian Constitution, its objectives and basic features, Fundamental Rights, Directive Principles and Fundamental Duties, Union and State Governments, Judiciary, Lok Adalats and Public Interest Litigation, democracy (its origins, forms), formal processes of representation, other institutions and mechanisms (political parties, principles of discipline, tolerance and dissent, formation of public opinion, media, citizenship in a democracy), electoral process, party system in India, role of the opposition, historical process in the formation of the Indian nation, ideals before the Indian nation (democracy, political equality, social equality, economic equality, secularism), challenges before Indian democracy (inequalities, communalism, minority rights, regional aspirations and regionalism, caste and untouchability, inequality of women, unemployment, nepotism and bribery, a critical review of the steps taken), Indian foreign policy, non-alignment, relations with other countries, the United Nations (its structure and objectives), world problems (human rights, disarmament, New International Economic Order), etc.

Economics: The course in Economics at this stage deals mainly with the study of the Indian economy with emphasis on the twin objectives of economic development and social justice. Among the objectives of this course is the inculcation of 'passion for social justice and an urge to resist exploitation in any form by men or by the State'. This course also covers the question of 'Rights of Consumers; Consumer Protection' and refers to the protection of consumers from unfair trade practices, the influence of advertising through new electronic media making the consumer vulnerable, the Consumer Protection Forums which have been set up, and the necessity for the modern consumer to develop the consumer skills, etc.

Science: The course in science lays stress on the development of scientific temper, the cultivation of social, ethical, moral and aesthetic values, and development of 'sensitivity to possible uses and misuses of science and concern for a clean environment and preservation of the ecosystem'. It attempts to relate the concepts and principles of science with agriculture, communication, industry, energy and material resources, health, environment and social forestry.

Languages: The courses in languages include literary pieces which promote awareness of and sensitivity to problems of contemporary life, social oppression and inequities.

It will be seen from the above that the basic framework of various courses upto the secondary stage and the textbooks based on these courses seek to promote an understanding of the various aspects and dimensions of human rights. It may be noted that upto the secondary stage, school curriculum provides for general education. The curriculum is undifferentiated and all subjects are compulsory.

School Curriculum and the Conceptual Map

It can be said that broadly all the areas listed in the conceptual map of the Commonwealth Values in Education are covered in the school curriculum upto the secondary stage in one form or another. The approach followed is cross-curricular and issues which are integral to a particular subject are sought to be covered within the framework of that subject. Thus the issues relating to law and the administration of justice, equality of opportunity, civil and social rights and responsibilities, the question of legitimacy or otherwise of the use of violence by the State, are dealt within Civics courses at various levels. Various aspects mentioned under History along with specific historical developments are covered in this history courses and textbooks. The Consumer rights are sought to be covered in both Civics and Economics courses. Certain aspects of Violence and Identity are also covered in Civics although these are questions which directly and, perhaps more indirectly need to be reflected in every subject curriculum. The language (and literature) courses have a very important role to play in imparting the necessary value orientation for all human rights issues. Geography curriculum is particularly important for promoting awareness of environmental concerns.

However, the coverage of a particular issue in the curriculum by itself does not necessarily mean that it, in fact, promotes the required understanding and, much more importantly, the necessary value orientation which is crucial to all human rights issues. The treatment in the curriculum itself may be inadequate or even defective and it may be divorced from real life situations and, therefore, not contributing to the enhancement of understanding. Besides the formal curriculum (and the textbooks), how the curriculum is transacted can be even more important. There are also issues relating to the ambience of the school, its organisational structure which have a bearing on human rights issues.

Need for an Appropriate Methodology

S.N. Bhargava

A seminar was held in Geneva in 1978 for considering the role of Human Rights Institutions in protection and promotion of human rights. The seminar recommended that efforts should be made to provide assistance in educating public opinion and promoting awareness and respect for human rights. These recommendations were endorsed by the United Nations Commission on Human Rights in the General Assembly which was further revised at a workshop and mission by the United Nations Commission on Human Rights in Paris in 1991. This workshop set out the principles known as "Paris Principles" defining the responsibilities of human rights institutions. Some of them were as under:

> "to assist in formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles" and "to publicise human rights... by increasing public awareness through information and education..."

These responsibilities were reaffirmed by the United Nations Commission on Human Rights, the United Nations General Assembly and also by the International Human Rights community at the World Conference on Human Rights held in Vienna in June 1993 which reaffirmed as under: "The General Assembly appealed to all the Governments to step up their efforts to eradicate illiteracy and to direct education towards a full development of the human personality and strengthening of respect for human rights and fundamental freedoms". It urged the States to prepare and implement national plans for human rights education. A plan of action for the decade prepared by the United Nations Secretary General and approved by the General Assembly, envisaged that national human rights institutions such as Human Rights Commissions, Office of Ombudsman and Human Rights Research and Training Institutions should play a central role in the development, coordination and implementation of human rights education programmes at the national level. At the international level, the office of the United Nations High Commissioner for Human Rights in association with UNESCO is to provide the necessary support.

The world conference emphasised eradication of illiteracy; it added that education be aimed at the full development of the human personality and strengthening of respect for human rights and fundamental freedoms. It recommended to include human rights as a subject in the curriculum in all the learning institutes, informal and non-formal, set up at all levels.

The United Nations Decade for Human Rights Education was proclaimed on 23 December 1994 by the General Assembly for a 10-year period – 1-1-95 to 31-12-2004.

In accordance with the relevant provisions of international human rights instruments and for the purposes of the decade, human rights education has been defined as training, dissemination and information efforts aimed at building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes. Objectives were entrusted to the High commissioner for Human Rights for coordination and implementation of international plans of action for the decade.

Then came the Osaka Declaration, 1998 in the Asia-Pacific Region in an international conference on human rights education on the occasion of 50th Anniversary of the Universal Declaration of Human Rights.

A conference was held in Pune in February 3 to 6, 1999 with active participation of, and support from, NHRC and UNESCO.

The Pune Declaration on Human Rights Education is as follows: to strengthen respect for human rights and fundamental freedoms; to develop fully the human personality and the sense of its dignity; to develop attitudes and behaviour based on respect for the rights of others; to ensure genuine gender equality and equal opportunities for women in all spheres; to promote understanding and tolerance among diverse ethnic, religious, linguistic and other groups; to empower people to participate actively in the life of a free society; to promote democracy, development, social justice, solidarity and friendship among nations; to further the activities of the United Nations system, in particular, UNESCO, aimed at the creation of a culture of peace based upon universal values of human rights, international understanding, tolerance and non-violence.

As such human rights institutions are expected to: i) promote human rights education at all levels; ii) creating awareness of human rights and of the instrumentalities for the protection of these rights; iii) sensitizing public functionaries on human rights; iv) training for personnel of national institutions of human rights issues.

The National Human Rights Commission in India took up the matter of free and compulsory education particularly in view of Article 45 of the Indian Constitution. Even after 52 years of independence, we have not been able to fulfil our obligations enjoined by Article 45 and at present the number of those who are illiterate in the country are more than the entire population of India at the time of independence. India has the largest illiterate population in the world i.e. 30% of global total. It exceeds the total population of U.S.A., Japan and Canada combined. This grim reality enfeebles the country in every way, whether civil and political, or economic, social and cultural. It affects the dignity and self esteem of countless Indians and exposes them to constant violations of their human rights. In spite of the 1993 judgement of the Supreme Court giving rights of education the status of a fundamental right, the parliament has so far not included the rights of education as a fundamental right by amending the Constitution.

The subject of human rights should be introduced at the primary level in the form of stories and anecdotes in an attractive manner. The child is like clay which can be given any shape at the initial stage. When children are introduced to human values and moral values they will remember and pursue and try to follow these values in their future life in the society. With that lesson in their early life they will never violate human rights of any one. Because human rights are nothing else but general human and moral values and behaviour in society.

At the secondary stage also children need not be burdened with the legal aspect but in a general way as to what is really meant by human rights and what rights are included in human rights, so that they may not have any misconception that human rights are violated only by the armed forces or the police personnel when a person is in their custody while thrashing them and using third degree methods at the time of interrogation or investigation.

That is, of course, violation of human rights. But human rights are also violated if the basic necessities and amenities or facilities like medical and health care, education, employment, some clothes to cover his body, little roof over his head, unpolluted air to breathe, pure water to drink and unadulterated food to eat, are denied. These are the basic necessities for anyone to survive and live with dignity. The NCERT at the initiative of the National Human Rights Commission produced a Source Book containing extracts from international covenants and the Indian Constitution. It has stuck to the guidelines of the National Education Policy by stating that "All subjects should be taught in such a manner as to foster the spirit of scientific humanism".

Teachers of primary and secondary schools should be imparted special training in human and moral values and concept of human rights. They should themselves set an example by their own conduct and behaviour in a dignified manner and not violating human rights of students. A teacher should not give preference or show some favours or accommodate students coming from well-to-do families or the higher strata of society in preference to students coming from poor families or Scheduled Castes and Scheduled Tribes. Even parents and guardians of students should be sensitised about the concept and meaning of human rights and their behaviour with their children or ward.

The responsibility of bringing about positive attitudinal change towards human rights among school children largely rests upon the teachers. In fact, the teachers should be prepared to imbibe and inculcate human rights values and cultural attitudes so that they can act as catalysts in imbibing a culture of human values among the young children.

The human rights curriculum needs to be tailored to suit the ethos and values of society and appropriate methodology including pedagogical tools. Care needs to be taken in preparing tools to reach out to the school children. This sphere being the most challenging, coordinated and concerted efforts involving NGOs, are called for. Such a stupendous task, apart from requiring adequate funds, calls for sincere and active involvement of NGOs. Mention may be made of the role of People's Watch, Tamilnadu, which has involved itself in introducing compulsory human rights education in the state. Encouraged by its initial success in the first phase in 9 schools it adopted two subsequent phases in 136 and 300 schools involving 20,000 and 35,000 students respectively. Similar effort by various NGOs is the need of the hour if children are to be inculcated human rights values.

At degree and post-graduate levels the concept of human rights, the legal aspect, history as to how human rights developed, all these can be taught to make them fully aware about the consequences of violating human rights and they in their turn, can use their knowledge and education to make other people aware about the human rights and the importance in protecting and promoting human rights as also consequences of violating human rights. If the message is spread and the people are made aware of human rights it will be difficult for others to violate human rights. And if the human rights are violated people will not hesitate to take up the matter and see that the violators are punished and taken to task which will ultimately have deterrent effect on others who want to cause harm.

The approach adopted by the University Grants Commission (UGC) to introduce human rights education at the graduate and post graduate courses should hopefully lead to a greater awareness of human rights; it has stressed the need of grassroots and indigenous orientation with a focus on local human rights problems. It has observed that "the change of focus and ethos is extremely significant and needs to be crystallised in the human rights education of the future".

Adequate inputs of philosophical and historical perspectives at the national, regional and international sphere in the human rights curriculum would certainly lead to inculcation of rights values and attitudes.

If everyone is made aware about the concept of human rights and human rights education spread over at all stages into all sections of society violation of human rights will decrease considerably. People will observe moral and human values, and the code of conduct and behaviour in the society will improve and the nation will make progress. All sections of society – children, women, minorities, scheduled castes, scheduled tribes, tribals – will enjoy freedom, fundamental rights and also observe and fulfil the fundamental duties enshrined in the Constitution.

Indian culture and ethos and belief in *'vasudeva kutumbakam'* meaning that the whole universe is one family should prevail. Our prayers, *'Lok Samasta Sukhino Bhavantu', 'Sarva Bhavantu Sukhinah'* – let everyone be happy, healthy and prosperous.

India's Contribution to the Concept of Human Rights

K.P. Saksena

Of late, there have been much intellectual activities – seminars, workshops, studies, reports etc., on human rights education. It is a welcome development. Indeed, it is gratifying that there is wide awareness of this need and that the National Human Rights Commission (NHRC) has taken the initiative to promote teaching of Human Rights at various levels of education. The Ministry concerned with education and national institutions, such as the University Grants Commission (UGC), has become quite generous in making funds available for the purpose. A number of universities have already introduced courses on human rights and international human rights law.

However, the on-going intellectual activities leave much to be desired, to say the least. For one thing we have not given adequate attention, so it seems, to preparatory work which is the prerequisite for introducing viable and purposeful human rights education.

Reading Material/Curricula: Let us take the question of reading material both for teachers and students and the appropriate curricula in various disciplines.

The existing literature on human rights is dominated by western authors who highlight the western tradition and contributions made by western philosophy to the concept of human rights[1]. They hardly make any reference to cultures and traditions of other regions, and ignore the reality that the concept of human rights is not a "monopoly" of the Western civilisation. Indeed, the genesis of the concept of human rights could be traced not to any specific region or culture or any specific period but from the dawn of civilisation – when human beings first started living in groups. In all areas and eras, they must have, implicitly or explicitly, in legal terms or social terms, agreed on certain norms of social behaviour, defining the rights and obligations of the individuals, particularly the nature of socially acceptable claims, and the restrictions imposed by the need of maintaining the social order. Each civilisation and region developed its own norms and standards. In India, they found the expression in the concept of "Dharma" and "Panchayat" system. However, here the emphasis was on realisation of rights through duties: if everyone performs one's duties everyone's rights would be taken care of.

Most of the Indian authors on the subject have heavily relied on western authors and have ignored India's traditions and contributions to the evolution of the concept.

A survey of syllabi of colleges and universities having courses on human rights shows that they have mainly borrowed from Western literature and have done little spade-work of their own. Again, most of the reading material recommended for course work is of western authors. A recent National Council for Educational Research and Training (NCERT) publication: *Human Rights: A Source Book* (1996), which is intended to provide guidelines to teachers has opted for the same approach. The publication coming from such a premier national institution as NCERT has become a sort of "Bible" for other educational institutions. It is not surprising, therefore, that another premier institution, National Council for Teacher Education (NCTE) publications follow the same approach. As the NCERT Source Book, so the NCTE's Human Rights Self-learning Module (1997) identifies five important landmarks of the human rights movement – (i) Renaissance (in Europe), (ii) French Revolution, Bolshevik Revolution in Russia, (iv) Industrial Revolution and (V) World War-II. These self-learning modules prepared by a premier institution and meant for teachers all over India to provide education for B.Ed., M.Ed., B.T. etc. confirms western assertion that human rights, in its origin, is a western concept. What kind of human rights education these teachers/ instructors would impart to their B.Ed., M.Ed., B.T. students?

A glance at course contents of colleges and universities (which have introduced courses on human rights) again shows the same dependence oh western authors. They include writings of Rousseau, Thomas Paine, J.S. Mill, Dicey and also Karl Marx, Mao and others. But what they do hot include are: Vedanta philosophers, teaching of Gautam-Buddha, Swami Mahavira, Sufi and Bhakti philosophers, Guru Nanak, Kabir, Swami Vivekananda, Swami Dayanand, B.G. Tilak, and scores of other Indian philosophers who moulded Indian way of life and were fore-runners of the modern concept of human rights. In some course-contents, only Gandhi and Ambedkar are included.

Teaching of human rights in our universities, if not grounded in the Indian philosophy, tradition and culture, cannot sustain interest, much less inspire the teachers or the taught. There should be emphasis on the point that throughout history India's tradition has been respect for all human beings, nay, all natural beings including animals and plants. India was perhaps the first country where respect for other human beings, freedom of movement, freedom of religion, freedom of expression accompanied by freedom of assembly, right to dissent were part of our way of life[2].

True, such social evils as caste system, untouchability, discrimination against women have also been part of our tradition and history. Let us not feel shy or ashamed about them and a teacher should discuss these obnoxious social evils in the context of examples of gross violations of what we refer today as human rights. What must be taught to our students that we must close the door to such violations. (Let us also not forget that class distinction on the basis of birth including slavery and slave-like practice, trafficking of women and children were widely rampant in the western world until the last century).

This is not to say that human rights education should focus on India's experiences and contribution alone, but the teachers and the students should know that concern for human rights is not something "foreign" to us but, in a way, rooted in India's centuries-old history, culture and tradition and that the concept of human rights is not exclusively of western origin; Indian traditions and cultures, as of other regions, have made their contribution to the evolution of the concept as we understand it today.

Human Rights Education: Human rights education does not imply just awareness of national and international legislations on human rights or relevant parts of our constitution, etc. It implies awareness of one's own rights thereby imbibing self-esteem and one's place in society and at the same time awareness and practice of one's own duties towards others and society at large. It also implies removal of prejudices, inculcation of tolerance and respect for others, irrespective of one's gender, colour, religion, language and point of view.

Indeed, the term, human rights education covers the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of, the national and international communities, the whole of their personal capacities, attitudes, aptitudes and knowledge. This process applies to any specific area of activities.

Needless to say teaching of human rights at all levels of education is, of course, essential, while human rights education in the institutions of higher learning, universities and institutions providing professional education, has importance of its own.

Teaching at primary and secondary levels or adult literacy or post-adult literacy should not unnecessarily burden the students with specific texts; here the focus should be on inculcating an attitude of respect for ideas and beliefs of other people and plurality of cultures and of fostering an attitude of tolerance and removal of prejudices. What is needed at these levels is not so much the question of any specific curriculum (human rights dimension providing teachers, could be added to the existing curricula) as of providing orientation programmes on human rights for teachers, appropriate school settings and co-curricular activities.

At higher education level, students have reached, agewise, enough maturity to imbibe the meaning and evolution of the concept of human rights, norms and standards spelled out in various international instruments. At this stage, it is also desirable to discuss, in-depth, specific human rights issues in the context of concrete social, economic, political realities with emphasis on struggles, needs and aspirations of the people. Secondly, and more importantly, institutions of higher education produce civil servants, law-enforcement officials, lawyers, doctors, scientists, teachers, journalists and so on whose work makes a vital difference in progress of the community, country and society at large. The underlying assumption, at the level of higher education, is that human rights education would lead to a more enlightened society, and those holding positions of responsibilities would not engage in human rights abuses or tolerate them on the part of others in the society. Indeed, those having higher education would be equipped with better capability to resist authority when abused and to promote respect for, and protection of, human rights.

In India, so far the attempts to introduce human rights education have been confined to students of political science and law except at some institutions where a diploma course is offered to "all those interested". In other words, the target seems to be confined to just a fraction of one per cent of student communities.

It is highly essential that human rights education is introduced in all disciplines and in all professional education and training courses.

In social sciences and humanities, besides law and political science, human rights dimension could easily be added in such disciplines as economics, sociology, literature, philosophy etc. In this regard, neither UGC reports nor the information available give any indication of any worthwhile attempt in the desired direction.

Natural Sciences: Likewise, science subjects have yet to be brought in the fold of human rights education. As we know, recent advances in bio-chemistry, biology, physics, electronics, medicine and nuclear energy posit a serious threat to human personality and its physical and intellectual integrity. As such, introducing human rights education in sciences including medical sciences is very much desirable. In the first instance, the role of science needs to be spelled out. This would involve examples from agriculture, health/medicine, communications, transport, meteorology etc. Further, attention to those aspects where the application of science and technology leads to violation of human rights, such as radiation hazards, abuse of drugs, abuse of electronics and computers in violation of the rights of privacy, environmental pollution and ecological imbalance, use of human subjects for experimentation especially in the field of medicine and psychology including artificial insemination, manipulation of human embryos, transplantation of organs, prenatal sex diagnosis etc.

Medical: Let us turn to the medical sciences which could play a vital role in safeguarding human rights on preventing their violation. Besides, their own rules of ethics, such as of doctors and nurses emphasising humane treatment and respect for the dignity of the person, it is essential that they should be familiarised with the contents of various human rights Conventions including the one against Torture and also "Principles of Medical Ethics" relevant to health personnel including surgeons and physicians in the protection of prisoners and detainees. These "Principles of Medical Ethics" as were adopted by the UN General Assembly (December 1982), on the recommendations of WHO Council for International Organisation of Medical Scientists.

Medical personnel – both doctors and nurses – represent perhaps the most noble profession in society. Yet there have been some exceptions. There are instances where postmortem examinations and forensic reports have been manipulated and those belonging to the medical profession have helped "refine" torture methods.

A member of the Committee Against Torture (Mr. Sorensen) himself belonging to the medical profession noted "that all the studies indicated that they manipulated and helped 'refine', all the studies showed that in 60 per cent of cases of torture a doctor was involved at one stage or the other"[3].

In India, precious little has so far been done to add human rights dimensions in the professional education of doctors and nurses. One reason seems to be lack of teachers well equipped with medical sciences as well as human rights issues. This holds true in regard to other disciplines as well.

Role of Teachers: This brings us to the basic point. Any programme of human rights education should logically begin with instructors/teachers training or orientation. It is obvious that howsoever carefully planned the education programme may be, it will have little impact in the hands of teachers who lack the necessary motivation, sensitisation and training.

This is true that unlike other disciplines, no specific training, no set of guidelines or text-books could be helpful. What is essential is that an educator of human rights must not only be sensitive to human rights issues but he/she should also be exposed to human rights problems and well-equipped with necessary informative material. For that purpose, it is essential that there should be: (i) periodical orientation programme for teachers; and (ii) documentation/information/resource centres be instituted in every institution which is imparting human rights education. More on this later.

While emphasising the universality of human rights, as spelt out in various international instruments, the programme of teaching needs to be adapted to socio-cultural settings as well as to national and local realities.

An educator/teacher alone could do that part by his/her approach to real problems; teaching procedures and methods have to be specific to social conditions in a particular region and a given time.

Human rights teaching is intended to promote development-process in which the individual is the focus and social justice the goal. Human rights issues in India are very different from those in industrialised and developed society. Here, sheer survival is itself a pressing problem for a majority of the population. For a large number of people, human rights are related at once to food, shelter, employment and health. What has to be taught and for what purpose, therefore, needs careful analysis in the context of the different socio-political system.

Thus, teachers/educators have to bear in mind that the best way of making an educational course effective is to ensure that it is rooted in the concrete situations. It should not only refer to principles of human rights but also expose the major factors which impede their realisation.

In short, theoretical exposition which is not rooted in concrete social, economic, political and cultural reality cannot correspond to the expectations of those who day after day experience injustice and oppression.

Indeed, human rights education must also go beyond the portrayal of sufferings. The victims need no teacher to explain what happens when fundamental rights – whether to life, the security and integrity of persons or to minimum economic and social security – are denied. A descriptive emphasis on consequence alone reinforces the state of despair. Rather, the causes of denial or suppression of human rights must be explored with an emphasis on possible remedies.

In addition, human rights education should aim at providing practical experience; as such it is essential that social field-work in neighbouring areas as well as in remote villages should be made a part of adult education programme. Here again, an understanding of the situation, background and day-to-day problems of students, by the educators/teachers concerned becomes most vital.

How do we assure ourselves about the ready availability of such educators/teachers?

Orientation Programme: In this regard, academic staff colleges, which the UGC has incepted in various universities have an important role to play. The NCTE has already taken the initiative in arranging periodical orientation programmes of education-teachers, which is commendable, although the contents of its (NCTE) programme leave much scope for improvement.

The UGC in collaboration with the NHRC should take the initiative for arranging orientation programmes, periodically of at least one week duration, of college/university teachers, who are to be entrusted with the task of providing human rights education, including resource staff and guest speakers. The UGC/NHRC may like to seek assistance of some well known human rights exponents, activists, educationists and jurists.

Research and Resource Centres: Another prerequisite is action-oriented research work. As we know, bonded labour and child labour, for instance, have been one of the most perennial evils of our society; the Government has enacted legislations abolishing bonded labour and strict regulations regarding child labour, yet both the evils continue unabated. Then again, bonded labour is of a different kind: traditional bonded labour in rural areas; then there are bonded labour in urban areas – brick kilns, construction work, glass industries, carpet industries etc. What is needed is an in-depth research based on field-work to bring forth the entire set of problems, both economic and social, which are perpetuating, for instance, bonded labour. What are the socio-economic factors responsible for child labour?

Of late, it is gratifying to note, various universities have undertaken research work on human rights problems. At Jawaharlal Nehru University, New Delhi during the last two decades, more than 25 theses/dissertations on themes relating to human rights have been completed leading to the award of Ph.D./M.Phil. degrees. The subjects covered range from Indian and International Covenants on Human Rights to Discrimination against Women, Rights of Disabled Persons, Child Labour, Bonded Labour in specific areas and so on. Other universities, such as University of Mumbai, Pune University, Aligarh Muslim University have also encouraged scholars to undertake research work on human rights themes.

Research scholars and faculty members have contributed several research articles to various journals and also short articles on various issues relating to human rights in national and regional newspapers. However, work is being done in a haphazard manner. For one thing, a teacher/supervisor has to keep the interest of students in mind and let him/her to decide about the specific areas of research work. There has been also lack of co-ordination and exchange of information. As such topics chosen for research projects have been repetitious of the work already done. Thus, several aspects of human rights problems in India, which demand action-oriented research, have not been touched upon. It is true that universities should exercise their autonomy but we have to avoid duplication and repetition which sometimes amounts to plagiarism.

We have to build up some research arrangements, as we find in the USA and other western countries (where a centralised institution registers documents and topics with abstracts of all Ph.D. dissertations) to avoid duplication and repetition.

Further, for building up a viable and meaningful duplication programme, it is essential that there should be network of documentation/information centres with research facilities at national, regional/state and local levels. Such units/centres should serve as depository of the texts of international and national legislations, reports of NG0s, human rights journals, newspaper clippings etc.; such units/centres should also collect and disseminate information on national and international human rights legislations, as well as information relating to syllabic materials and instructional guides for all levels of education and availability of material towards setting of priorities for effective human rights research.

It is also necessary that these units/centres function as autonomous bodies and not as part of the general library documentation system and cataloguing of human rights material is very different from that of a library. A documentation centre in-charge should be one who has excellent knowledge of human rights material, including the material published by UNESCO and the United Nations. What is more important is that he/she should be familiar with human rights information and documentation system as spelt out by HURIDOCS International.

It is hardly necessary to add that we have yet to make a beginning in the desired direction. Curricula in various disciplines have to be restructured, reading material has to be prepared, programmes for co-curricular, extra-curricular activities for promotion of human rights education have to be introduced. What is, perhaps, most important is orientation and training programme of teachers – motivated and dedicated to the promotion of respect for, and awareness of, human rights and also well equipped with necessary informative material. This is not to say that programmes already incepted should be discontinued. What is expected is that instead of further expansion – adding more colleges and universities indiscriminately to the programmes, just to claim the number mark the focus should be on the lines noted above.

NOTES

1. At the UNESCO Round Table in London (November 1965), participants from western countries went to the extent of asserting that the "acceptance of Universal Declaration of Human Rights by the nations outside Europe is a victory of Western thought" – *UNESCO International Social Science Journal*, Vol.13, NO.1, 1966, p.8.
2. This aspect has been well elaborated in Nagendra Singh Memorial Lecture by Justice C.G. Veeramantry of International Court of Justice, reproduced in *Indian Journal of International Law*, Vol.36, No.2 (April-June) 1996, Pp.17-18. Also Humayun Kabir, "Human Rights: The Islamic Tradition" and S.V. Puntambekar, "Hindu Concept of Human Rights" in UNESCO Human Rights Comments and Interpretation – A Symposium. London: Allan Wingate, 1949.
3. CAT/C/SR.340, November 13, 1998, p.l.

Education for Human Rights

Ashok Ranjan Basu

The expression 'human rights' is relatively new having come into every day parlance only since World War II with the founding of U.N. in 1945 and the adoption of the Universal Declaration of Human Rights 1948 by the UN General Assembly. It replaces the phrase 'natural rights' which fell in disfavour in the past because the concept of natural law (to which it ultimately was linked) had become a matter of great controversy and it also replaces the later phrase 'the rights of man' which was not universally understood to include 'the rights of woman'.

The first concrete step in formulating human rights was taken up by the United Nations in December, 1948 by adopting the Universal Declaration of Human Rights. It was intended to be followed by an International Bill of Rights which would be binding on the concerning States.

The Universal Declaration operated merely as a statement of ideals and was not legally binding on the participating States. The deficiency was sought to be removed by the U.N. General Assembly by adopting in December, 1966 two covenants for observance of Human Rights, namely, 1) the Covenant on Civil and Political Rights with its optional protocol; and 2) the Covenant on Economic, Social and Cultural Rights.

These Covenants were ratified by the requisite number of participating States and in that sense became a binding instrument on the State not merely in its international relations but also as a guarantee for its own citizens against oppression by the State or its organisations. The Universal Declaration and the two Covenants aforesaid together are known as the International Bill of Human Rights.

Even before the adoption of the aforesaid covenants, the makers of the Indian Constitution had made adequate provision for inclusion of the rights covered by the Covenants drawing inspiration from the Universal Declaration. Part III of the Constitution relating to Fundamental Rights covers almost all the civil and political rights mentioned in the Declaration. The Covenant became a binding Instrument by reason of ratification by the participating States. These articles covered by Economic, Social and Cultural Rights and included in the Universal Declaration are in the most part covered by Part IV of our Constitution under the chapter Directive Principles of State Policy. A comparison of the various Articles of the Universal Declaration and the aforesaid Covenants with Part III and IV of the Constitution of India would make it clear that those Rights declared as Human Rights are, about all, incorporated in the Indian Constitution.

The Protection of Human Rights Act, 1993 (Act No.10 of 1994) aims at providing for the constitution of National Human Rights Commission and State Human Rights Commissions and Human Rights Courts for better protection of human rights and for the matters connected therewith and incidental thereto.

As per Section 2 (d) of the Human Rights Act human rights means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by Courts in India.

As per Section 12 of the Act, the Commission shall undertake, protect and promote research in the field of human rights and spread human rights literacy among various sections of society and promote awareness of the safeguard available for the protection of these rights through publications, the media, seminars and other available means.

Human Rights Education (HRE) cannot merely be an intellectual exercise. It requires building linkages between what happens in society and what is transmitted to the recipients. It requires capturing actual exposures of violation of human rights and denial of human dignity. This kind of education needs field experience and action oriented ways of learning. As such, HRE should preferably be interdisciplinary. In order to inculcate broad comprehension of human rights as human existence with dignity the contents of human rights courses should incorporate and reflect the concerns for democracy, development and peace.

One of the oldest forms of human rights violations and infringement of civil liberties is caused by the caste system in this country as mentioned by Dr. Pal in the background paper [published elsewhere in this Volume-eds.]. Dr. R.M. Pal has also referred to the human rights situation with regard to women, children, bonded labourer etc.; and these need attention. The practice of untouchability is one of the worst forms of abuse of human dignity in this country.

The principal aims of HRE should, therefore, be: (i) to strengthen respect for human rights and fundamental freedom; (ii) to develop attitudes and behaviour to promote respect for the rights of others. (iii) to ensure gender equality and equal opportunities for women in all spheres, (iv) to promote understanding and tolerance among diverse national, ethnic, religious, linguistic and other groups; (v) to develop attitudes and behaviour to promote respect for the rights of others; and (vi) to empower people to participate actively in the life of a free society and promote democracy, social justice and friendship among nations.

All these have to be developed in a regional, national and in a global context.

The life and works of great social reformers like Kabir, Ramanand, Chaitanya, Raja Rammohun Roy, Ishwar Chandra Vidyasagar, Dayanand Saraswati and many others should be taught to our students in order to acquaint them with different faiths and ideologies.

Similarly, students should be exposed to the ideas of thinkers and philosophers like Gandhi, Ambedkar, M.N. Roy etc. The philosophy of Rousseau, Paine, J.S. Mill, Russell, Marx etc., should also be taught to our students in order to acquaint them with different ideologies.

In the pluralistic society of ours, the teachings of Buddhism, Jainism, Islam and Christianity would be of great help in developing tolerance, knowledge and ideas of all religious groups.

Research in the Vedas, Puranas, Manusmriti and other religious scriptures is equally important. Critics may differ on the contents, ideals and views of various personalities and scriptures but that does not belittle the contributions made by them.

The study of international covenants, conventions and protocols is equally important. What is meant is that human rights education should include Indian Heritage and also the knowledge of International Conventions, the knowledge of fundamental rights as well as the duties and other constitutional and legal provisions. This can be done provided basic education is made universal and the students are exposed to these ideas from their childhood.

The contents of Human Rights Education should include the following: i) All human rights are universal, interrelated and independent and are essential for the development of human personality. ii) While regional and national peculiarities are to be borne in mind, it is the duty of States, regardless of their different political system, to promote and protect all human rights and fundamental freedom. iii)Universal respect for, and observance of, human rights and fundamental freedoms contribute to stability, security, and well-being, necessary for socio-economic development. iv) Rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. v) Human rights education should be aimed at full and equal participation of women in political, civil, economic, social and cultural life. Awareness towards preventions of gender based violence, sexual harassment and exploitation should be component of education programmes. vi) Promotion and protection of the rights of the child is a priority and requires dissemination of knowledge of relevant standards. Special efforts are needed to eradicate child labour, child prostitution and child pornography. vii)

Special attention should be paid to the rights of persons belonging to various vulnerable groups – national or ethnic, religious and linguistic minorities and migrant workers etc. viii) Attention should also be given to the mobilisation of public opinion against threats and challenges of human rights, terrorism, organised crime, corruption, trafficking of human beings for exploitative purposes. ix) Education for human rights should also be aimed at the elimination of prejudices which in many cases become the source of discrimination, hatred and violence. x) Education for human rights must include the knowledge of internationally recognised human rights standards enshrined in the universal declaration of human rights, International Covenants, International Conventions and procedures and mechanisms for human rights protection. xi) As Mahatma Gandhi said: Begin with the duties of a man and rights would follow as spring follows winter, rights and responsibilities go together. This also should form part of education for human rights. xii) The focus of research of human rights requires a drastic change. Local, regional and national problems of specific disadvantaged and marginalised groups should be intensively studied with a view to bringing viable solutions.

Methods: 1) Appropriate methodology and materials for teaching of human rights should be developed keeping in mind human rights principles and standards. 2) Special attention should be given to the elaboration of education materials suitable for formal and informal settings and adopted to the needs of various target groups. 3) Participatory methodology for the teaching of human rights which takes into account the involvement of the target group in the learning process should be adopted. 4) Special attentions should be given to the training of trainers who will ensure a multiplier effect in the promotion of human rights education like, for example, academics and other professionals involved in formal and informal education programmes. 5) Emphasis should be given to elaboration and dissemination of human rights training programmes designed for professions having special responsibilities related to protection and implementation of human rights, in particular, security, army, police, prison and other government personnel. 6) Advocates, medical doctors, health professionals and scientists engaged in biological research should also be covered.

However, a mere declaration and education of human rights alone will not be of much use unless there is a proper machinery for enforcement. Human Rights Commissions have been established at the National level and at State levels in India with a view to seeing that violators of human rights are brought to book; and people are made aware of their rights, and their poverty and ignorance are not exploited. It is also the endeavour of these Commissions to see that adequate steps are taken at the appropriate time, for all to be given the opportunity for a proper blossoming of the human personality.

Human rights recognise the inherent dignity and fundamental freedom of all members of the human family and are the foundations for all basic freedoms, justice and peace in the world, which will be possible only when the State and the people are conscious of the need to ensure that everyone enjoys human rights. This requires massive campaign of human rights awareness.

In India, keeping in tune with the spirit of the Constitution the fundamental rights and the directive principles, an umpteen number of social legislations have been enacted, which covers the entire gamut of human rights. Unless the implementing agencies are aware of their impact, their enforcement would lack fervour and substance. It is, therefore, imperative that Human Rights teaching is made part of education and training at all levels. The need of the hour, therefore, is to sensitize all the three wings of government, i.e., Executive, Judiciary and Legislature to take care of the dignity and freedom of citizens.

Human Rights, as a subject of study, has to be included in the curricula and syllabi of schools, colleges and universities. Our students should be encouraged to respect human rights. Last but not the least, the media, voluntary workers, NGOs have also an important role to play. They should give positive orientation and direction to a Human Rights movement in our country.

Finally, human rights are the ideals, in which liberal democracies flourish. A positive approach to make everyone aware of these lofty ideals will ensure enhancement of the quality of life in society.

The Status of Human Rights in the Higher Education Sector

(Findings from a Preliminary Study)

K. Sudha Rao and Arti Chatrapathi

The World Declaration on Higher Education for the Twenty First Century 1998 clearly states equity of access and enhancing participation and promoting the role of women as the missions and functions of higher education. The missions form an integral part of various human rights declarations and conventions. For example, Universal Declaration of Human Rights states that admission to higher education should be based on merit, capacity, efforts, perseverance and devotion showed by those seeking access to it. In the Indian context, too, one of the important social objectives of education is to equalize opportunities enabling the backward or underprivileged classes and individuals to use education as the lever for improvement of their condition (Kothari Commission 1964-66). Thus an inexplicable link exists between education and human rights.

In the Indian scenario there exists a wide diversity between the education of boys and girls at all stages and all sectors of education and an equally wide or sometimes wider disparity of educational development between the advanced classes and the backward ones i.e., Scheduled Castes and Scheduled Tribes.

In order to provide access to education in keeping with the human rights principles the Union Ministry of Education has issued instructions to all State governments/Union Territory administration as well as universities to reserve 20 per cent seats in all educational and technical institutions for Scheduled Castes and Scheduled Tribes students. Qualifications for their admissions are relaxed.

These concessions are provided in recognition of the fact that the students from such groups and communities experience serious difficulties in securing admissions. This is not only due to economic reasons but also due to the social constraints that they suffer from.

Different commissions and committees have made recommendations from time to time to facilitate entry, retention and better achievement of these groups like, for example, the Education Commission of 1964-66 recommended to increase in the number and amount of scholarships and other forms of students aid, reduction of procedural and other delays, need for adequate transport and the need for adequate centres and lodging houses, and need for facilities to earn and pay a part of their expenses etc. to improve their condition.

Though various categories of handicapped people like the blind, the deaf, the orthopaedically handicapped have been identified at the school level, no reference has been made to the handicapped at the higher education level.

Part IV of the National Education Policy 1986 (revised in 1992) states that the policy will lay emphasis on the removal of disparities and provide educational opportunity to all by attending to the specific needs of those who have been denied equality so far.

The priorities in the University Grants Commission's IX Plan on provision of human rights are: a) improvement in the quality of undergraduate education and specially colleges in backward, hilly, desert, island areas and colleges serving women, reserved categories, minorities and disabled; b) access for groups under-represented or not represented in higher education especially in certain disciplines, keeping in mind effective/optimal employability where there is greater demand and higher returns; c) establishment of scholarships and loan facilities in individual institutions as also establishing an Educational Development Bank of India for loans to students; d) subsidies for women, minorities, reserved categories and e) promotion of Adult Continuing Education, Extension Education and Community outreach.

Several measures have been taken in the area of higher education and yet the literature in this regard is limited. There are studies which have assessed the awareness of existing facilities to promote human rights; but the implementation part remains scarcely documented. Studies conducted by Premi (1974), Punalekar (1973) and Shantakumari (1975) reveal that though parents are aware of educational concessions, financial assistance, scholarships, stipends, relaxation of norm for admissions, reservation of seats in various fields of study and coaching facilities provided by the government etc, the students seem to be drooping in darkness. Studies by Naik (1971), Vageshwari (1973), Nautiyal (1979) reveal that the number of respondents were unaware of the facilities such as aids, concessions in admissions, special schemes and programmes provided by the government for the welfare of the Scheduled Castes.

At the teacher's level, a recent study in Kerala conducted among 100 college teachers, shows that less than 10 per cent knew about their human rights (Kattakayam 1999). This finding is of greater significance as the college teachers are supposed to be key persons in disseminating information.

This paper is aimed at college Principals with regard to various provisions and practices of human rights. It is based on the data collected from primary sources.

Specific questionnaire was developed to elicit data and information from the Principals. It was administered to 48 respondents from different states including Andhra Pradesh, Assam, Daman, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Maharashtra, Manipur, Mizoram, Rajasthan and West Bengal. The sample represented 85 per cent government, 8.32 per cent private aided, 4.16 per cent constituent and 2.08 per cent autonomous colleges. The sample consisted of 87 per cent co-educational, 2.08 per cent male and 8.32 per cent female colleges (See Table I).

Table - I : Types of Colleges (N=48)

Govt	Pvt. Aided	Constituent	Autonomous	Co-ed	Male	Female	Others	Total
85	8.32	4.16	2.08	87	2.08	8.32	2.08	100.00

Altogether 26 principals responded to the questionnaire. Percentages of responses obtained have been analysed and presented as a mirror to the higher education sector.

The questions were mainly descriptive focussing on the status of human rights. The data and information thus collected were analysed to increase an understanding of human rights. Further percentages were calculated to project the data in a meaningful manner.

Nearly 69 per cent of the respondents felt that equitable opportunity for access and success of all groups irrespective of gender, caste, disability, religion, region and class is considered as major issues. 46 per cent of the respondents felt that reservation for backward classes, tribals and women candidates is of greater significance as reservations are designed to remove not only disparities but also discrimination in terms of providing "equal opportunity" as well as "equal results". 34 per cent of the respondents were of the opinion that provision of conducive working atmosphere for both staff and students is an important issue, which, of course, is in consonance with Article 23 of the Universal Declaration of Human Rights which states that "Every one has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment". 31 per cent opined that higher education should be a Fundamental Right.

Some of the issues that emerged as issues which requires the attention of the policy makers, planners and administrators are: gender harassment; right of women to participate on regulating bodies at college and university level; harassment of academic staff due to politicization of students' union; training opportunities for the staff to upgrade skills and the resulting inequality in education due to privatization as the rich, non-meritorious students seek access to education relatively easily while the not-so-rich meritorious candidates may not get admission.

On being asked to state the names of any commissions and committees that have worked at the centre, state, university and college levels to facilitate protection of human rights that they are aware of, 62 per cent of respondents stated that they were aware of committees at all levels to facilitate protection of human rights while 38 per cent mentioned that they are unaware of any such commissions.

The Commissions at the Centre dealing with human rights as mentioned by the respondents, are National Human Rights Commission, National Commission for Minorities, National Commission for Scheduled Castes and Scheduled Tribes and the National Commission for Women.

The Commissions at the state level of which the respondents were aware are Kumara Pilla Commissions (Kerala) headed by Justice Kumara Pilla which made recommendations for reservations of seats and financial concessions for economically backward people; Lokayukta headed by a former Chief Justice of Himachal Pradesh High Court which reviews complaints and attends to them to uphold human dignity; State Human Rights Commission (Manipur); Kerala Women's Commission; State Human Rights Commission (West Bengal) and the West Bengal Women's Commission. Some of the Acts and Ordinances specific to the universities for the protection of human rights as stated by the respondents are: Manipur University Act (1980); Karnataka State University Act and The West Bengal College and University Service Security Act.

It was heartening to note that most colleges have taken some measures to protect human rights. Some of the measures taken at the institutional level were: exemption in fees and age for Scheduled Castes, Scheduled Tribes and Other Backward Classes as stipulated by the University; post-matric scholarships which are granted by the Central Government are being given to students belonging to the Scheduled Castes and Scheduled Tribes; 38 per cent of colleges have constituted special admission committees which supervise admission to Scheduled Castes and Scheduled Tribes, and backward classes; 58 per cent of colleges had counselling facilities which play a part not only in admissions of students but also in transfers of staff. In 58 per cent of colleges remedial classes are organised; in 65 per cent of colleges the Special Component Scheme has been launched which is a great source of financial and material help to Scheduled Castes and Scheduled Tribes students in the learning process.

Finally the respondents were asked to give suggestions based on their experience to facilitate the implementation of measures to protect human rights. It was suggested by the respondents that a reappraisal of policy needs to be done and a merit criterion needs to be considered in the case of scholarships. In this context it was observed that Scheduled Banks charge commission for issuing Demand Draft from Government funds meant for scholarships. The Reserve Bank of India should be requested not to collect commission so that disadvantaged classes gain access to higher education.

As regards staff, the respondents felt that recruitment should be merit based. Also inordinate delay in recruitment and selection does not provide equal opportunities to all. The need for flexible timing was expressed especially for women.

This preliminary study sought to understand the status of human rights in the higher education sector through feedback from the respondents. Even though data could be obtained only from a very small number of respondents it reveals first-hand information about the state of human rights.

REFERENCES

Aggarwal, Y and Sibou. 1994. "Educating Scheduled Castes", a Study of Inter-District and Intra-Caste Difference.

Chatterjee, B.S. 1983. "Social Costs of Reservation", *Journal of Higher Education*, Vol.9 (1), Monsoon.

Premi, K. 1984. "Educating Equality and Economic Opportunities", (A Comparative study of Scheduled Castes and Non-scheduled Castes), *Journal of Higher Education*, Vol. 9 (3) Spring.

Shah V.P. and Agrawal B.C. 1986. *Reservation Policy, Programme and Issues.*

Shrimali, 1970. "Perpetuation of Social Inequalities", *The Myth of University Autonomy and Other Essays.*

UGC IXth Plan Approach to Promotion of Human Rights Education (HRE) in Universities and Colleges. 1998. University Grants Commission.

A Note on UGC, University Curriculum and NCERT

Somen Chakraborty and R.M.Pal

Introduction

Human Rights Education (HRE) has been on the agenda of the University Grants Commission (UGC) for some years now. Many universities have already introduced Human Rights as a separate academic subject. Government and non-government institutions, intellectuals and activists have published documents on the subject. Discussions on human rights got new dimensions after the University Grants Commission began to give permission and financial grants to universities to start Human Rights Education courses of study. The National Council for Educational Research and Training (NCERT) was also asked by the National Human Rights Commission (NHRC) to start HRE in schools and produce relevant materials for study. The NCERT, however, performed its tasks by producing a Source Book containing excerpts from International charters and covenants as also from the Constitution of India. It maintains that their textbooks on different subjects have been written keeping in mind the values of human rights; and that it is not necessary, nor desirable to write separate books.

University Grants Commission

The UGC has made attempts to enrich educational curriculum of human rights education in colleges and universities on the basis of contemporary societal and economic situations. Its IXth Plan Approach to Promotion of Human Rights Education in Universities and Colleges [UGC document] identifies present development model as one of the major violators of human rights in India. The UGC document states that development should not mean only development of material resources but also of the people. To quote from the UGC document: "Most of the activities undertaken for the sake of development result in mass uprooting of indigenous people, degradation of environment, imbalancing ecology due to an imbalanced approach to development and result in gross violation of human rights of those affected" (para 3.1). By citing an array of examples of `exploitative and inhuman treatments to labour in hazardous industries, especially those are under-aged', the UGC document finds "system's insensitivity and lack of commitment" as the main cause for creating conditions for human rights violation. The document points out that the main victims of such violations are the weaker sections of society. It mentions that focussing on "local human rights problems of deprived sections of the society" and giving a grassroot and indigenous orientation is more important in human rights education than the mere projection of "international human rights conventions and norms" (para 2.2.3). In its own words, "Establishment of human rights culture demands elimination of all kinds of exploitation, not only at the hands of the State, but also by members of civil society. Many times, members belonging to civil society using their social status use force and indulge into practices, which are derogatory to human dignity. Employing bonded labour, practicing untouchability, perpetrating Sati are some of the examples that necessitate human rights education to evolve strategies and schemes for attacking such attitudes and help members internalise more humane and egalitarian approach in their social relations" (para 3.5) [Note, it does not include the practice of the caste system]. The UGC document only refers to this topic but does not propose any remedial measures with regard to the practice of untouchability and how it can be abolished. It rests contended by making a cryptic statement: "human rights education should be so offered as to have people as the central theme" (para 3.4). It is a bit intriguing that the UGC does not consider it necessary to elaborate!

The UGC feels that human rights education of the twenty first century can "ill-afford to ignore this perspective". Human rights education, in fact, becomes "the catalyst in bringing about attitudinal and social change" among people. The question, however, remains: how to bring about attitudinal and social change with regard to, for example, the hierarchical system that characterises our society? Will it come through constitutional changes or by means of movements/revolutions? If the latter, then, this revolutionary process must start in centres of learning. The UGC document does not refer to this aspect. In case we are ready to make educational institutions instrumental in bringing about a philosophical revolution the curricula need to be formulated in a fashion that will "sensitise a person, awaken his/her conscience and develop an attitude of mind imbibing respect for human rights of others". This can be achieved if human rights education adopts a `multi-disciplinary' approach and reflects the complexities involved in this. Ironically, the UGC shifts from its own statement elsewhere and contradicts its position by expressing dissatisfaction against the colleges for their inability to start a "full course" on human rights education (para 2.1.4).

This is exactly what has happened in colleges and universities. Most of them have tried to introduce a degree or diploma course on human rights rather than working out a curriculum that can be instrumental in evolving 'strategies to eliminate all kinds of exploitation'; like, for example, the abolition of Varna Vyavastha. Similarly, the process of translating attitudinal and social changes to a factual reality must begin at centres of learning. A prerequisite to this is to bring in changes in the entire institutionalised attitude i.e., to identify with the real life situation of those who are victims of human rights violations.

Notwithstanding good intentions of the foremost educational policy making bodies like the UGC to promote and strengthen human rights education, and the attempts made by them in this direction, educating people with human rights perspectives appears to remain intractable. One wonders, therefore, if a predominantly institutional approach can bring about a fundamental change in the culture and promotion of human rights, from the point of view of the ground realities, especially, when these institutions survive on state funding. This is a genuine apprehension because the State is evidently one of the major violators of human rights. In fact, the pressing requirements of society demand new and newer aspects, including the new role of the state, to be incorporated in human rights education.

Besides constructing a holistic view, concerns of human rights violations – for example, gender rights, Dalit rights, problems arising from globalisation etc., need to be explored to give a concrete shape to a meaningful human rights education. We might mention here that liberalisation of economy, structural adjustment and growing threats of globalisation have further endangered the rights of the already vulnerable sections of the population. Similarly, unending mayhem of Dalits and other weaker sections of society at local levels and a rising acceptance of communal frenzy, chauvinism, and the culture of majoritysm among a section of the middle class are posing serious threat to the pluralist fabric of our society. Also the provisions of the Constitution of India and other State acts do not touch upon many of the violations of rights caused by the new international economic order and its fall-out on societal relationships.

Human rights education can not fulfill its objectives unless it addresses these socio-economic dynamics and their impact on rights and privileges of the people with the seriousness they deserve. One way to achieve this is by establishing appropriate linkages between human rights education and the overall education policy of the state, the universities, the school education boards and people's rights movements. Any human rights education policy in this context should take into account the contents of a syllabus, level of understanding and motivation of the human rights educators and mode of teaching. Limiting research studies to "jails, custody or secondary materials" alone is not likely to help much to sensitise them about violations of human rights. What seems to be really necessary is the experience of working with victims - for example, with the people displaced by large development projects, victims of caste atrocities in rural hinterlands and so on. How many institutions are there in India to allow a debate openly in the classrooms on the Sardar Sarovar Dam and its impact on the adivasi communities in the Narmada river valley, or on the significance of self-rule in the Adivasi life of the Jharkhand, or on the sub-national movements in the North-East demanding self-determination, or on the caste system ?

Let us be honest. Human rights education in most of the colleges and universities are reduced merely to obtaining a degree or diploma; it does not seem to aim at sensitising students and youth about the burning issues and concerns of human rights violations. We may recall the anti-Mandal agitation of 1990 in this context. Students from high-caste and high-class background, having an inherent mindset not to allow the deprived sections to get access to opportunity, came to the streets in large contingents and carried forward the agitation for months in the capital of India. This indicates that changes in attitude can not be brought about without challenging certain inherent dynamics of society. Perhaps, debates on the changing nature of conflict both between state and civil society and within social groups in society on regular intervals is necessary to understand the ground reality of human rights. One way to attain this objective is to free human rights education from a formal classroom exercise; our students and faculties must expose themselves to the ground realities.

The UGC document admits: "Human Rights Education cannot merely be an intellectual exercise alone. It requires building linkages between what happens in the society and what is transmitted in the classes to the students. It requires capturing actual experiences of violation of human rights and denial of human dignity. This kind of education needs field experience and action oriented ways of learning and teaching" (para 4.3). But, how? The document is silent! None of the courses conducted by various colleges and universities seem to have taken this issue seriously. There is hardly any reading material published by human rights centres of any college or university education which has extensively dealt with sufferings of the poor and their life system based on field study of select areas, atrocities committed on SC/STs for centuries, and so on.

Our education policies, formulated by the state from time to time, perpetually suffer from certain inherent lacunae and shortcomings. A rational outlook, apropos of multi-faceted regional, ethnic and cultural dynamics of our society, has been missing from the education policy. Curricula of courses of studies have not taken note of dalit, adivasi or gender perspectives. Critical assessments of the State and governance are almost always discouraged. This is one major reason why a large section of students and more importantly the middle class, do not develop any empathy for the marginalised communities. Nor are they willing to dismantle all barriers that stand in the way of bringing the marginalised at par with the privileged. A large number of them, on the one hand, incline towards indiscriminate consumerism and on the other, nurture a feudalistic social behaviour in their daily life. Human rights education in that respect has scope to encompass those aspects which are, otherwise, not covered by other subjects. It is in the context of what we have stated above that an analysis of the course contents and the basic framework of syllabi of a few universities in the light of the UGC's IXth Plan Approach on human rights education may help us to understand the significance of this course in creating a new society.

Paragraph 1.1 of the document states, "The concept of human rights in its expanding comprehension, has now travelled to encompass what are called `third generation' rights which include right to self-determination, right regarded as belonging to peoples rather than individuals, right to sovereignty over natural wealth and resources of the country and, right to development as well as rights of disadvantaged groups to special protection". This changing conceptual framework may be a convenient tool for those whose only job is to theorise without taking into account the praxis aspect; but the moment one generalises it, problems crop in. For example, people's understanding of rights has always been linked with their livelihood and life systems including those aspects which are termed as `third generation rights'. A series of protest movements by indigenous communities and various subaltern collectives against their immediate rulers bear testimony to their concern for rights to self-dignity and self-rule. Mass rebellions against the local rulers, Mughal and other dynasties and the British over the centuries, are a few examples to mention in this regard.

The authors of the UGC document tend to indulge in making ex-cathedra statements like for example, "respect for human rights as a part of its social philosophy has existed in the Indian ethos for a long time despite its aberration intermittently". They do not make any attempt to specify `the social philosophy' and `intermittent aberration'. What is it that our educators and students will imbibe? Which social philosophy had respect for human rights, which one justified violations of human dignity? Which social philosophy is the UGC talking about? The statement that violation of human rights has been only an aberration and not a part of social systems in India, will certainly cheer up the violators. For example, caste system, devadasi *pratha*, bonded labour system, Sati and so on were/are still being patronised and practised by a sizeable segment of society.

The State's perceptions of human rights are very different from that of the common people, specially suffering victims. While the state's agenda of human rights is often guided by specific national and international political criteria, deprived sections of society are not circumscribed by nation-states, in that the ideals of social justice are not limited by our geographical loyalty. The UGC document accepts the fact that in view of new developments in international politics there has been a shift in attention of human rights. Now the emphasis is more on "issues of social justice, distributive justice and putting check on the ever-increasing power of the State with potential of its being abused or excessively used against the individual in the national context as well" [para 1.2 (c)]. The statement falls through because of the same shortcoming that has been mentioned earlier. This shift, perhaps, is true in case of human rights educators and social activists with a middle class background. This is not necessarily applicable to people's collectives, who, since long, have been struggling to protect and preserve identity in their respective historical settings. The term identity includes culture, language, religion, livelihood and also their own way of evolving developmental processes.

The UGC, however, takes a different position on development concepts. Even though its document mentions, "Development and democracy anywhere are intimately linked with issues of establishment of a New International Economic Order", and "recognition of the rights to development and sovereignty over natural wealth and resources and the right to self- determination as the basic rights of all states and peoples" (para 3.2), it does not tell whether by new international economic order they mean globalisation. This concern is relevant in view of serious threats to sovereignty and self-determination of independent nation states from the new global economic giants. The concept of democracy in the Indian context requires to be widened so that the right to self-determination of various social groups is recognised. The UGC document baffles one when it says that democracy and development include "issues of social justice, distributive justice, bringing marginalised and historically deprived sections to the mainstream of national life" (para 5.1), but is silent on: Who constitute the mainstream? It is inexplicable that while the UGC advocates for the so-called `mainstream' theory, it does not clarify what do they mean by this. This is not only an unacceptable concept but violative of the pluralist ethos of our society. Does it not derogate various small human collectives in the North-Eastern states where the people are struggling for self-identity and self-rule?

Human rights education can be instrumental in bringing attitudinal changes in the people and in transforming society provided teaching of human rights does not remain restricted to classroom lectures within the framework of a pre-defined curriculum. Education on human rights is not possible unless one learns to take a position on contemporary issues and concerns. The UGC document states, "The textual teaching materials need to be appropriately integrated with other materials making adequate use of local experiences". We don't have any sample of such material. What is necessary in this context is taking a strong position on basic issues like, for example, rule of law, the hierarchical system, communalism, gender discrimination and so on. To give one instance: a dominant section of bureaucrats, law-enforcing agencies, politicians and the intelligentsia is of the view that the law should be bent for those police/security personnel who claim to have curbed terrorism by resorting to unlawful methods like killing in fake encounters. Another example: How does one educate an educator that under no circumstances the law can be bent, or that there can be one law for one and another for another? The UGC document is silent on this. One need not be surprised if many of the authors of the document themselves believe that it is necessary, at times, for law-enforcing agencies to act in contravention of laws. Many of our intellectuals firmly subscribe to this view. Therefore, commitment to human rights and love for freedom as values are the most important attributes that HRE courses must aim to foster.

Courses of studies prescribed by different universities[1] reveal that most of them are aimed at awarding students with a degree or diploma. In most of the syllabi human rights have been projected as a politico-legal subject. An examination of the contents reveals that majority of them have tried to understand the issues of human rights from an institutional framework. Barring a few, the syllabi of most of the courses begin with discussions on evolution, philosophy and theory of human rights developed in the west. The western thoughts of human rights are constructed primarily in the context of the specific socio-political developments of those countries. One may wonder if students will be in a position to relate these concepts to Indian realities. Often the theory paper does not even refer to the works of Indian philosophers like Gandhi, Nehru, M.N.Roy, Ambedkar etc. Perhaps, our educators in colleges and universities hold a mistaken understanding that Indians have to christen themselves with the western concepts first to understand the ground realities of human rights violations in India.

The syllabi are sometimes so vast that a student is likely to get exhausted in understanding the salient features of various theories. This is again difficult because the canvas of the course contents is often too large for a student to grasp. Given the pressure of passing the examination with better grade the students and faculty members have to be selective in their choices for topics. Thus many important subjects of human rights will be out of discussion or may not get even a reference in classroom discussions. The reference lists often do not fulfill the purpose of promoting a 'human rights culture'.

Though most of the syllabi are informative but for various reasons their scope in bringing about attitudinal changes among students is limited. More importantly, none of them have the "people as the central theme" (para 4.8). Except in one or two, reference to local governments – for example, Panchayati Raj Institutions – is totally missing from human rights curricula. They seem to have taken human rights violations as results of improper functioning of the system and not the lacunae that are inherent in the system itself. Human rights violations are predominantly viewed as a concern of the police, administration and the judiciary. There is no mention about land reforms and atrocities on dalits. In many course contents not a single people's movement, case of police atrocity, series of public interest litigations subsequent to the Bhopal gas tragedy and decided cases on human rights issues find a place. Even if somewhere the issues and concerns of the civil society find a place they are the works of academics. Literature circulated by different movement activists does not receive any mention.

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[1] Syllabi of Human Rights Education programme of eleven Universities have been consulted.

Some of the syllabi have adopted a liberal approach in constructing the curriculum, especially by including many contemporary concerns of human rights with a purpose to conscientise citizens within the limits of classroom lectures. In spite of attempts to critically analyse the present-day developmental concerns, people's rights movements and crisis of life and livelihood of dalits and other weaker sections of society, students may not obtain informed experience of the grassroots problems, because programmes on human rights education do not provide an opportunity to get exposure to grassroot problems, especially to societal violations like atrocities on dalits and women, mass displacement of adivasis etc. In a few cases emphasis is laid on activist-involvement without mentioning what kind of activist involvement is sought for and which are those movements. Perhaps, associating with a movement to fulfill an academic assignment does not help much in understanding the underlying human rights dynamics of the cause the people are struggling for, nor does it contribute much in bringing about attitudinal changes. In some of the courses a full paper and in some other cases half a paper is kept for field-based project work in which students are expected to write an essay or make a case study or a survey report to complete certain formalities; there is no indication of how to integrate them with the cause of human rights.

Most of the syllabi talk about national movements and international instruments but do not refer to regional perspectives of human rights. Rights have been discussed keeping the constitutional provisions in mind. The syllabus is primarily constructed from legal perspectives. Human rights seem to have been understood mainly from the resolutions and provisions of various international treaties and covenants. There is no clarity about the topics the course is likely to cover like ancient, medieval and modern history. Broadly speaking, none of the courses has discussed at length about any social philosophy of India like the Bhakti movement, the Sufi or Charbak philosophy etc. which enormously contributed to cultivating human rights values and a human rights culture.

Although a few have included a chapter on globalisation they do not refer to the "recently introduced economic/structural re-adjustment reforms vis-a-vis states of human rights reports" (UGC document, para 5.2). They do not provide opportunities to discuss about the impact of structural changes on life and livelihood on people and society, which most of the third world national economies including India have experienced in the recent past.

While developing knowledge and understanding about the international covenants on human rights is extremely important, efforts that are being made to colonise the underdeveloped countries through globally designed cartel system requires equal attention to look at human rights violations from a larger perspective. While some of them focus on human rights issues from specific social, political and economic perspectives, others seem to have tried to construct a politico-legal perspective on human rights. Generally speaking, human rights education curricula do not display any serious desire to prepare citizens of India for initiating social change - to change the mindset which is primarily responsible for violation of human rights in our country.

A serious discourse seems necessary to ponder whether human rights education needs to be de-linked from degree or diploma, because students may prefer to concentrate on study materials to pass through examination than taking interest to integrate him/herself with protest movements against human rights violations. Whether the idea of having a separate academic course on human rights is by itself a hindrance to enable human rights to become a 'multi-disciplinary' subject needs critical reflections.

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National Council for Educational Research and Training(NCERT)

The National Council of Educational Research and Training (NCERT) claims, in their guidelines, that their textbooks on different subjects have been written keeping in mind the values of human rights. In the guideline the NCERT affirms, "The basic approach which has been followed as one of integrating various aspects and dimensions of human rights are integrally connected with various other issues which are among major concerns of school curriculum as a whole as well as of the curricula in various school subjects. They cannot be seen as being apart from issues relating to secularism, national integration, gender bias, protection of the environment and many others which are among the major concerns of curriculum in languages/literary social sciences, sciences and other subjects". The Education Policy of 1986, (revised in 1992), laid stress on the national curriculum with a common core as a basis for building the National System of Education. It emphasised "on the combative role of education in eliminating obscurantism, religious fanaticism and violence, superstition and fatalism". The NCERT guidelines have enlarged the scope of human rights education by emphasising on the education design so as to meet the complex needs of the individual and imparting such knowledge, skills and attitudes which are in tune with the changes taking place at the national and global level. It states, "All subjects should be taught in such a manner as to foster the spirit of scientific humanism". These principles have sought to be reflected, in varying degrees, in the subject courses and teaching materials, particularly textbooks, prepared at the national level by the NCERT for school curriculum.

In pursuance of the guidelines the NCERT textbooks have been written to provide "a critical understanding of Indian society through the ages, with some focus on the position of women, the inequalities created by the caste system and various barbarous practices which arose during various periods and of attempts by reformers in various periods to bring about a more humane social order...". By way of example the civics syllabus may be referred to in this context. One of its objectives is to promote a well-informed and intelligent citizenship, governed by values of democracy, secularism, socialism and national integration, for effective participation in the affairs of the community. The Class VIII civics textbook aims at "building a secular state, ending inequalities, promoting national integration, the caste system, and inhuman practices associated with untouchability, the struggle against caste discrimination". The NCERT study materials want to deepen the understanding of the students about "contemporary India and its social, economic and political development as an independent nation and its composite culture". We may refer to a few textbooks of the NCERT to analyse how effective they are in carrying out the objectives.

Sarojini Bisaria and Dinesh Sharma, ***Social Change*** **(A textbook of Sociology for plus two stage), Eighth Reprint Edition, February 1998:** The authors give a definition of social movements: "Social movement is a process of collective mobilisation of people in a society in an organised manner under an individual or collective leadership in order to realise a social purpose. The characteristics of social movements are: collective mobilisation of people, a specific goal which has a collective significance, ideological interpretation of the collective goal" (p.11). Arya Samaj, Prarthana Samaj or Brahmo Samaj movements have been referred to as a few examples of these social movements. The book does not refer to any contemporary social movement – dalit bahujan samaj, adivasi self-rule, workers' movements, peace movements etc.

The book does not help students to develop a critical view about the present techno-scientific model of development as there is no reference about the on-going discourse on this subject. What the book says instead is: "Technological knowledge grows at exponential rate. Technology also becomes quickly outmoded due to rapid inventions. Forms of leisure and recreation basically change through more access to leisure time and mass organisation of institutions of leisure and recreation. This also influences the decline of political systems. Democratic forms of power with different degrees of people's representation and participation came into being. The polity of aristocracy is replaced by democracy. Equality and participation now become the spirit of new social and political order" (p.21). India has only partially achieved this through the practice of parliamentary democracy. A grassroots democracy i.e local self government, has not been implemented in most of the states.

The authors write: "In the long run, the group having lower position in the caste hierarchy starts identifying with another having higher positions and after some time, somehow starts enjoying the higher position. Generally, the lower castes follow the Brahminical or Rajput ways of living depending upon a number of factors like numerical strength, political power or patronage and economic power and upward mobility. The process of sanskritisation is thus gradual and slow" (p.27). It is an arbitrary statement. Does the upward mobility indicate that the lower castes' upward mobility help them acquire higher level in the caste structure? By accepting the concept of `lower caste' - which is, of course, an artificial construct, the NCERT in fact, reinforces the caste system. The NCERT, in fact, contradicts its commitment to scientific humanism when it talks about the `process of sanskritisation'. The book does not tell us which way of living, what kind of food habit, clothing or behavioural pattern will be the indicators of sanskritisation to a student? Is the life style which people in a metropolis pursue is the model of this sanskritisation or is it meant for the community life that survives in remote hinterlands? Even though the subject matter of this textbook is social change there is hardly any mention about gender justice, caste system and so on.

K. L. Sharma, *Indian Society* (A textbook of Sociology for class XII), Tenth Reprint Edition, February 1998: The author deals with the caste system, life and livelihood of the indigenous communities and so on. He states that the caste system took roots in society with the introduction of division of labour and adivasi communities had a strong foundation of community life long before the outsiders came to rule them. Yet, he seems to contradict himself when he concludes that "Industrialisation in the tribal areas of Bihar, Bengal, Orissa and Madhya Pradesh has apparently reduced the gap between the tribals and the non-tribals; but it has also created new problems. The tribals who have been uprooted from their lands have not been absorbed in the new system. Hence, they are facing a new form of pauperisation without a traditional support base" (p.113). The contradiction is obvious. The book does not let the students know what way industrialisation has reduced the gap between tribals and non-tribals. We do not know about the criteria that have been used to arrive at this conclusion. In fact, industrialisation-induced modernity has invited enormous crises in the tribal life.

While his explanation about the roots of the caste system appears to be sound, he does not take a clear position whether it should be abolished or not. More so, caste being an artificial construct the concept of an hierarchy, i.e. lower and upper castes, is wrong and against human dignity. "Caste is not really a very flexible system, but history shows that `caste mobility movements' have taken place right from the ancient period till today" (p.94). There is a reference to M.N.Srinivas's explanation about the process of Sanskritisation: "lower caste people imitate the styles of life, rituals and practices of the upper castes with a view to improve their status. Such a process of mobility in the caste system has brought about horizontal distinctions, or what Srinivas calls `positional' changes. Positional change does not change the caste system; change is within the system. `Structural' change however, is a change in the vertical arrangement of the social order. It is ultimately a change of a system. Structural change has been, as doubt, at both the macro and micro levels, but it has been more in the form that in the substance of the social system. As an entity, a given caste is guided by norms of the caste system; barring those aspects of the caste system which have undergone change and where new mechanisms have evolved to perform the functions earlier performed by those aspects. At the same time, a given caste enjoys its autonomy in regard to observance of its practices and rituals and protection of its rights vis-a-vis other castes. Thus, the fact of the matter is that caste has adapted itself to hostile and adverse situations and has found alternatives to make up for the loss of certain functions or norms. Even today, the caste system demands a certain kind of cooperation from different castes living in a village on social occasions and in agricultural activities" (Pp.94-95). The statement does not refer to the evil aspects of the system. Rather it admits: "Since Brahmanas were at the top of caste hierarchy, they were the rule makers and prescribers of norms. They are even today considered the models for social and cultural mobility" (P.101). Is this statement acceptable to intellectuals and activists belonging to SC/STs ? In any case, the generalisation made by the author does not help the cause of human rights; rather it tends to strengthen the status-quo.

A similar position is taken with regard to the adivasi society. "The tribal people had a strong sense of community life before the British rules and Hindu zamindars and moneylenders intruded into their lives. Exchange of goods and transactions at weekly markets and fairs were the basic mode of economic relations. However, the British took over the forests on which they depended for their livelihood. The money-lenders brought them under their control by extending loans, at exorbitant interest rates and then by mortgaging their lands, alienating them from land they cultivated" (p.110). The entire story is presented as an incident of the past while it continues to be an integral part of adivasi life systems. The exploitative roles that were played by the British earlier are being practised by the State and the business classes of India today.

"The dilemma for the tribal people in India is the choice between isolation and contact. Isolation keeps the tribals away from forces of change and development; and contact with the wider society creates problems of adjustment, cultural shock and disintegration of tribal social organisation and community living" (p.111). This is again an ex-cathedra statement because exchange of knowledge and skills were there in every society including the adivasi society. They, like others, were not afraid of inter-relationships with other communities. Of late the choice of this interaction has been taken away from them and the whole process of development has been imposed on them at the cost of total destruction of their own culture and identity. This top-down approach has generated fear in the adivasis.

S. N. Jha, *Society, State and Government* (A textbook for class XI), Fourth Reprint Edition, July 1998: This book on civics explains the limited role of state and its relationship with civil society: "Nation and nationhood refer primarily to a sentiment of `belonging together'. State may or may not coincide with this sense of solidarity, though Nation State has long been a cherished ideal. State is more of a territorial concept as we have seen above, while the term `nation' refers to the civic aspect of the peoples' expectations. State has a role in consolidating the integrative factors, but it is only one of the agencies that is important from this point of view" (p.26).

This is followed by another statement which is a departure from the earlier one. "So long as the sense of `sub-nationalism' remains within the overall framework of the broader nationalism, it does not disturb the working of the state. Too exclusive an identity of a region or a section of the national population, often poses serious threat to the peaceful functioning of the state" (p.27). The author does not specify which aspects of the state have got disturbed by sub-national assertions. Which are these sub-nations in India that have not remained within the `overall framework of the broader nationalism'? How does he expect a student of class XI to understand what is `exclusive' sub-nationalism and why should it pose `serious threat' to the peaceful functioning of the state? The author does not see the dangers involved in such statements. For example, state brutalities inflicted on Jharkhandis for their demand for Jharkhand state, or on Gorkhas in Darjeeling for demanding Gorkhaland, or repression in North-East are justified by such teachings. Young minds are conditioned to support human rights violations.

D. S. Muley, Supta Das, Ramesh Chandra and Manju Rani, *Our Country Today, Problems and Challenges* (A textbook in Civics for class VIII), Tenth Reprint Edition, January 1998: The authors state : "The foremost evil of the caste system is that it made some castes high while some low. It divided the society into people of high and low castes. Such a division encouraged exploitation of the people of lower castes by the people of higher castes. The Shudras were badly treated. They had to do all menial jobs. They were reduced to a low status. Some of them were called `untouchables'" (p.23). It further says that "Social reformers like Ramanand, Kabir, Shri Chaitanya, Raja Rammohun Roy, Ishwar

Chandra Vidyasagar and Dayanand Saraswati organised movements against caste discrimination. Mahatma Gandhi agitated against the inhuman treatment meted out to the people of the shudra caste" (p.24). The authors then add: "Sometimes appointments to jobs are made and admission to educational institutions are given on the basis of caste considerations. There are some people who refuse to mix with people belonging to castes other than their own. They do not have any social connection with them. Some persons are moved by caste-considerations even at the time of voting in elections. If casteism is given such a predominance, it can break our country into bits and pieces. It is no less a danger to national unity and integrity" (p.76). But what the book does not tell us whether this obnoxious and humiliating social order should be removed or not.

In the context of development the authors write: "To increase the agricultural production, we have to use science and technology. Our farmers have to be educated about the use of scientific method in agriculture. At the same time, improved seeds and fertilizers have to be made available to them" (p.57). They are, however, silent about the kind of science and technology or fertilizers the country should opt for. Regarding industrial development they write: "In fact, in today's world, all developed countries have a strong industrial base. They have a large number of industries producing various commodities like steel, cement, chemicals, textiles, agricultural implements, machines and medicines" (Pp.57-58). The authors then explain why growth in productivity itself can not be the sole criterion to qualify development. However, merely showing that industrial or agricultural products are increasing does not imply that it promotes and protects human rights. The very development which is making state proud can be detrimental to the nation, provided we take nation as conglomerations of communities.

With regard to our political system, they write, "In a democracy where people elect representatives to work on their behalf, it is called a representative democracy. Our country has a representative democracy" (p. 11). The book gives us an incomplete picture with regard to development and democracy. Our record with regard to marginalised groups like indigenous people, is disappointing.

To quote from the book further: "Since independence much has been done to raise the number of literate persons. But whatever achievement has been made in this field, looks insignificant because of the high rate of population growth" (p.19). The authors do not mention the fact that the state has not implemented the provision of Article 45 of the Constitution. They write that "Primary education has been made free but many of the state governments have not been able to make primary education compulsory" (p.19). Can the students relate this to the provision of Article 45? What does a student learn from these statements? Does he/she learn that non-implementation of Article 45 is one of the worst forms of human rights violations?

Part III

Societal Violations and Human Rights Education

Culture and Education in the Human Rights Framework

Iqbal A. Ansari

In the name of 'Indianisation' and 'spiritualisation' of education from the primary to the university level, the champions of cultural nationalism in India would like educational material and programmes including ceremonial rituals to get exclusive Hindu orientation. The country was given a taste of it when the State Education Ministers' conference convened on 22 October 1998 in Delhi by the Ministry of Human Resource Development started with Saraswati Vandana i.e., homage to the Hindu goddess of learning. It is not that such a Hindu religious ritual was introduced in an official programme for the first time in secular India. Further, educational material, especially at primary and secondary stages, has not been free from majoritarian cultural biases. What, however, caused the expected furore at the inauguration of the conference was the official blessing accorded to the Vidya Bharati's – a Sangh Parivar outfit Hindu revivalist scheme of education which was circulated along with the agenda. This blatant exercise in cultural homogenisation was ironically sought to be made under a respectable cover – of Justice S.S. Verma's (the then Supreme Court Judge) controversial exposition of Hinduism as 'a way of life' which he had himself clarified was misunderstood[1]. Leaving aside the politics of culture, religion and education and their interrelationship, there is a need to scrutinise the terms and phrases like 'Indianisation' (Bharatia Karan), 'Spiritualisation', 'value-based education', 'way of life' and see how the muddled conceptual Hindutva scheme does not fit in the pluralist democratic framework provided by India's own Constitution as well as by the international human rights standards binding on the Indian State under treaties and conventions to which it has acceded.

First let us take the apparently innocuous term 'Indianisation'. There are two significant aspects that need to be noted: that there is no single Hindu homogenous Indian culture and that in Hindu culture, like in most traditional societies, there is no definable distinction between the secular and the sacred. 'Bharat' itself apart from being a land and people is viewed as goddess and 'Bharatmata' is to be ritualistically worshipped. Hindu, according to 'Hindutva' is defined as one who treats India as holy land, thus excluding the followers of non-indigenous religions. Similarly Rama is not only the warrior hero of a secular national-epic, but incarnation of God whose idol is worshipped.

When Indianisation is used in the sense of Swadesh which had some relevance during the freedom movement, in its present day extreme xenophobic form is bound to inculcate in pupils' minds a distrust and dislike, if not downright hatred, for the cultures and ways of life of all 'outsiders' not only living in alien lands but some like Muslims and Christians living within the country. It is this 'Indian' defined in exclusivist religio-cultural terms that has caused stigmatisation and demonisation of religious minorities, especially Muslims and Christians – targeting for example, Urdu language with its alien Persian script and 'foreign' missionaries and nuns.

Secondly, Hindutva being 'a way of life', as claimed by Hindutvavadis, and not a religion can very well become part of teaching materials and programmes aimed at mental and moral edification of all Indian pupils. In the sophistry of 'Hinduism as a way of life and not religion' will be well advised to recommend to the Census Commissioner of India to delete 'Hindu' from the category of religion and substitute it by 'Vaishnauvite', 'Shaivite' etc., leaving the word Hindu to be used as a term denoting culture and nationality. Accepting that Hinduism is 'a way of life', the question from human rights angle needs to be raised : Is Hinduism the only way of life? Islam and other all-embracing religions not confined to man's relation with God also claim to be a complete way of life. So is atheistic western hedonism; so are many other cults and creeds – ancient and modern which prescribe a way of life to their followers. Considerations of secularism apart, can any State which claims to be democratic, arrogate to itself the right to officially promote any one way of life based on a particular set of moral and spiritual values. Nehru's warning in this regard in a note on minorities published in *Young India* on May 15, 1930 deserves to be quoted: "The history of India and many of the countries of Europe has demonstrated that there can be no stable equilibrium in any country so long as attempt is made to crush a minority or to force it to conform to the ways of the majority". This observation holds good even today in Europe as well as in India.

While talking of values in education it must be borne in mind that in the public domain the Indian state is committed to protecting and promoting only the values and norms and standards of the Indian Constitution and those of the International Human Rights instruments, leaving the private domain of the individual and the domain of the community to their choice. It is this right to religious and cultural freedom that the Indian Constitution has guaranteed to all persons and groups as 'sections of citizens' having a distinct language, script or culture of its own and 'minorities based on religion and language' under Articles 25,26,27,28,29 and 30 and under Articles 347, 350-A and 350-B. This right to cultural freedom again constitutes one of the corner stones of minority rights under Article 27 of International Covenant on Civil and Political Rights (ICOPR), under which the Indian Government is accountable to the UN Human Rights Committee, to which it is required to submit periodic reports on its implementation[2]. The 1992 UN Declaration on Rights of Minorities goes beyond the minority's right to preserve its culture, language and script and puts the positive obligation on the States to not only protect the nation's ethnic, cultural, religious and linguistic identity of minorities, [Article 1 (1)] but also requires them (States) to create favourable conditions to enable the minorities to express their characteristics and to develop their culture, language, religion, tradition and customs [Article 4 (2)][3]. Similar obligations are put on the State to take "appropriate measures in the field of education in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory" [Article 4(4)].

Thus there is not the slightest scope in this model of education and culture for any assimilationist strategies and devices by the majority. The question naturally arises here as to whether the model envisions majorities and minorities to live permanently apart in their 'museum' identity shells, and whether this is desirable or even possible. The answer is already provided in the same Article 4(4) of the Declaration which says: "Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole". In his recommendations on implementation of the Declaration Professor Asbjorn Eide, the Chairman of the UN Working Group on Minorities elaborates the provision thus: "Minorities should receive education about their own culture and also about the culture of other groups in society, majority or minority", and further that "Majority groups in ways which make it possible for them to appreciate these cultures as an enrichment to society as a whole"[4].

Thus we find that it is not necessary to encourage any cultural insularity and isolationism; instead the model of multiculturism is necessarily supplemented by interculturalism so as to "promote understanding, tolerance and friendship among all nations, racial or religious groups" (Article 26 of UDHR). Similar provisions are to be found, among others, in the Conventions on the Rights of the Child (1989), Elimination of All forms of Racial Discrimination (1965), and UNESCO Recommendation concerning education (1974). It is this vision of multi-and-interculturism that inspired the UN Working Group on Minorities to recommend (May 1997) that "the social curricula, learning materials and text-books are relevant to all children and avoid focussing exclusively on the dominant or majority group; that this multi-cultural and intercultural approach is integrated throughout the curriculum and not tokenistic...".

It would appear that while ruling out any exclusivist majoritarian scheme of education in the name of Indianisation it is legitimate for an all-inclusive Indian cultural heritage to find respectable place in school curricula and teaching materials. For such an educational scheme to have the desired fruits of mutual understanding and appreciation, tolerance and respect, the concept of nationhood and reading of history will have to be humanised.

The minorities, which have been rightly protesting against Hindutva designs for cultural assimilationism will, however, be well advised to ponder if they accept the need of their children to be aware of the Hindu cultural heritage and to be appreciative of those elements of this heritage which do not come into conflict with the tenets of their faith. Xenophobia and insularity both will have to give way to treating diversity as a source of enrichment.

NOTES

1. During the course of the principal judgement delivered on 11 December 1995 on whether certain utterances of the Shiv Sena and BJP leaders of Maharashtra in their election speeches constituted religion-related corrupt practices under Sub-section (3) and (3-A) of Representation of the People's Act 1951, Justice J.S. Verma expressed the following views: (i) No "precise meaning" can be ascribed to the terms Hindu, Hindutva and Humanism; (ii) no meaning "in abstract" can "confine" these terms to the "narrow limits of Hindu religion alone" or to "strict Hindu religious practices" excluding or unrelated to the content of "Indian culture and heritage" or "culture and ethos of the people of India"; (iii) the term *Hindutva* is related more to "state of mind" and the "way of life of the people in the sub-continent"; (iv) in view of what has been said above, the terms *Hindutva* or "Hinduism" per se cannot be assumed to mean and be equated with "Hindu fundamentalist bigotry"; (v) in view of what has been said above, the terms *Hindutva* and "Hinduism" "cannot be construed to fall always within the prohibition in sub-sections (3) and (3-A) on Section 123 of Representation of the People's Act 1951; whether reference in an election speech to *Hindutva* or"Hinduism" is hit by section 123, sub-section (3) or (3-A), of Representation of People's Act 1951 is "a question of fact"; (vi) "misuse" of these terms to promote communalism cannot alter their "true meaning"; (vii) the word *Hindutva* is also used and understood as a synonym of "Indianisation", i.e., development of a uniform culture by obliterating the differences between the various cultures co-existing in the country; and (viii) the assertion by a candidate aspiring to be elected that if he won he would set up the "first *Hindu* state" on the Indian soil did not amount to an appeal to religion; it was "at best a hope" expressed by him.
   The judgement elicited strong disapproval from eminent jurists and intellectuals like Soli J. Sorabjee, A.G. Noorani, V.M. Tarkunde, Rajindar Sachar, Kuldip Nayar, Danial Latifi, Rajeev Dhawan, Nani Palkhivala,

P.P. Rao, who considered it a setback to the Constitutional ideal of secularism as expounded in the S.R. Bommai judgement of 1994 outlawing all kinds of mixing of religion and politics.

In what is known as the Clarifying Judgement delivered on 22 March 1996, the Bench explained that its meaning of *Hindutva* based on earlier two judicial rulings of 1966 and 1976 was unassailable, and that the *S.R. Bommai* decision of 1994 was irrelevant to the Hindutva cases, as "the question relating to the meaning of sub-section (3) and (3-A) neither arose nor was decided" in the *S.R. Bommai* case.

The Clarifying Judgement lamented misreading of decisions in the *Hindutva* case and invited people to give it a "careful and dispassionate reading" to remove their "apprehensions and misgivings".

2. Article 27 of the International Covenant on Civil and Political Rights (ICCPR) reads as follows:

   "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language".

3. The following is the text of the relevant provisions in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992:

   Article-1 (1) States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity. (2) State shall adopt appropriate legislative and other measures to achieve those ends. Article-4 (2) States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, tradition and customs, except where specific practices are in violation of national law and contrary to international standards. (3) States should take appropriate measures so that, whatever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue. (4) States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.

4. 'Recommendations for Implementing UN Declaration on Minorities' by Asbjrn Eide in New Approaches to Minority Protection, MRG International Report, 93/4, London, 1993.

Promoting Religious Tolerance and Harmony: Learning from our Past

Abdulrahim P. Vijapur

For minorities freedom of thought, conscience and religion or belief is a fundamental – some consider it to be the fundamental – human right because beliefs give meaning to one's life and existence by addressing questions of ultimate concern. They give a code of conduct for the believers and set standards for behaviour towards other people. The entire population can be mobilized through common faiths for war or nation building. But beliefs can be both targets for intolerance and warrants for discrimination. Prejudice, discrimination and intolerance based on religion diminish or destroy life.

Freedom of religion has been legally recognized in Article 25 of the Indian Constitution. Article 18 of the Universal Declaration and the International Covenant on Civil and Political Rights also recognise this right (India is party to this Covenant). This right includes freedom to change one's religion or belief, and freedom, either individually or in community with others and in public or private, to manifest one's religion in worship observance, practice and preaching. The 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief further articulates the right to freedom of religion and gives it specific content. This right has also been recognized in other major international human rights instruments. Thus both the constitutional and international law obligations intend to protect freedom of religion and prohibit discrimination or intolerance based on religion.

Notwithstanding these constitutional and international guarantees concerning freedom of religion, all religious minorities in India particularly the Muslims, Christians, Sikhs, Buddhists and Jains have experienced discrimination, violence and persecution. Thousands of persons from these minorities have lost their lives and property in anti-minority riots and violence. The sporadic communal riots against Muslims (since independence no year has passed without any communal incidents), the 1984 carnage of the Sikhs, and the recent atrocities perpetrated on Christian missionaries are just a few examples to illustrate the point. The last decade of this century has witnessed a steady growth of communal politics in India. The Hindutva forces are vociferously engaged in implementing their hidden agenda of making India a Hindurashtra by gradually destroying the pluralistic, secular and multi-cultural bases of this young federal nation, i.e., India[1]. During the last two years a systematic campaign has been launched by Hindu fundamentalist forces against religious conversions by proselytizing religions – mainly Christianity and Islam.

Among all the minorities in India, Muslims are the worst sufferers. Look at the following facts: (i) There have been serious attempts to re-write the school textbooks of history so as to give a communal projection and interpretation of certain historical developments in medieval India. (ii) In 1996 parliamentary elections the slogan of BJP-Shiv Sena was: "Musalmanon Ke Do Hi Sthan - Pakisthan Ya Kabrasthan" (Muslims have only two abodes - Pakistan or Graveyard). (iii) In election rallies and speeches the Vishwa Hindu Parishad (V.H.P.) misguides the Hindu majority by showing them a list of 3000 mosques which they believe were constructed by demolishing temples. The V.H.P. spreads such myths now and then. One may cite many other examples. For reasons of space only three examples are recalled here to establish that the influence of communalism in Indian politics is growing.

Such a campaign of growing religious intolerance and hatred can be contained if we properly educate our youth and general public regarding Muslim rule in India, which was generally marked by composite culture and religious tolerance. It must be noted that an objective study of certain contentious issues and events of medieval India is essential to remove many prevailing misconceptions about Muslim rule. Majority of the people – both lettered and unlettered – believe in such misconceptions: 'that Muslim rulers had declared India as an Islamic State and *Shariah* rules were imposed on all subjects, including the Hindus'; 'that Islam was spread by these rulers through sword or force'; 'and that they did not allow the construction of new temples', etc.

The purpose of this paper is not only to demolish such unfounded myths about Muslim rule by examining historical events and data but also to explore answers to certain pertinent questions such as: What was the legal status of Hindus in a Muslim State? How did the Muslim rulers treat Hindus? What was their share in state employment and military service? To what extent Hindus enjoyed religious liberty? Were there any socio-cultural interactions between Hindus and Muslims? The analyses of these questions will certainly enlighten us and help in rebuilding social harmony among different communities, specially among the Hindus and Muslims.

Islamic Notion of Religious Liberty and Tolerance

Before proceeding to explore answers to these questions, it is essential to state here briefly the Islamic perspective of human rights. Islam provides an elaborate system of human rights norms. With some variations, it gives recognition to almost all the rights that are found in the Universal Declaration[2]. The 1981 Universal Islamic Declaration of Human Rights, which is similar to the Universal Declaration, is testimony to it. Of all the human rights Islam recognizes, religious liberty and tolerance stands out as the most prominent freedom. The Holy *Quran* pronounces that "there shall be no compulsion in faith" (*Quran* 2: 257). "Proclaim: `It is the truth from your Lord': wherefore let him who will, believe, and let him who will disbelieve" (*Quran*, 18: 30). At another place, it pronounces : "To each among you we have prescribed law and a path. And if God had enforced his will, he would have made you one nation or people. But his plan is to test you in what he hath given you" (*Quran*, 5: 48-59). "You have your own religion and I have mine" (*Quran*, 109: 6). These Quranic verses reveal two important principles. First, Islam cannot be propagated and preached through force. Second, God has sent messengers or prophets to every people and nation, thereby firmly believing in religious pluralism[3].

Let us elaborate these principles. According to the first principle conscience cannot be regulated or controlled by outside forces. In Islamic perspective every person is free to decide to believe or not in the existence of God. In fact, apostasy does not warrant death penalty. The Quranic verses (2:217, 3:87, 3:106 and 47: 25) explicitly state that apostate will be punished by God in the life after death[4]. Sir Mohammad Zafrullah Khan opines that *Quran* does not prescribe death penalty for apostates. He argued that "This [no death penalty] is the essence of the freedom to change one's religion. The *Quran* is explicit on it"[5]. It is interesting to note that during Akbar's time many Muslims as well as Hindus were converted to Christianity, yet Muslim converts did not attract any death penalty.

The second principle establishes that a high sprit of tolerance has to be practised by Muslims towards "people of the book", i.e., protected minorities (Dhimmis) - the Christians and Jews. Marital alliance is permitted with their daughters without forcing them to convert to Islam. Subsequently, the list of the "people of the book" (Ahle Kitab) was extended to Zoroastrians (by Imam Shafai), to Hindus (by Abu Hanifa) and to all non-Muslims, whether Arab or non-Arab (by Imam Malik). Thus, Islam respected plurality of religions and advocated their peaceful co-existence. In this regard, it is pertinent to recall a comment made by Count Leon Ostrorog, in 1927, long before the advent of modern human rights doctrine. In a series of three lectures delivered at the University of London he observed: "[*Shariah*, i.e., Islamic Law] expounded a doctrine of toleration of non-Muslim creeds so liberal that our West had to wait a thousand years before seeing equivalent principles adopted"[6].

Moreover, Islamic history is full of instances of tolerance shown by men in power. Two such instances are worth recalling here[7]. When Caliph Omar entered Jerusalem, freeing it from foreign rule, he scrupulously respected the conditions stipulated at the time of surrender by its Christian inhabitants. One afternoon when he was, at the time of prayer, in Jerusalem's biggest church, the one called the Resurrection, he refused to pray, so that the Muslim could not use that as an excuse to build a mosque on that site.

When a Christian lady from the old town of Cairo went to visit Omar to complaint that 'Amr Ibn al'- As, the conqueror, had disposed of her house to add her land to the land for the mosque being constructed, he questioned Amr, who justified himself saying that there were so many Muslims and they needed a big mosque. As the Christian lady's house was adjacent to the place where the mosque was to be enlarged, he had offered to repurchase it, paying even more than double, but without success, for the lady would not hear of it. So, he gave orders for the house to be destroyed to incorporate the land into the land for the mosque. He then put the money he had offered the lady into the public treasury so that she could take it out whenever she wanted. Even though all this had been authorized by the law, in cases of extreme necessity, Omar decided, according to Islamic laws, to demolish the recently built mosque and to give the Christian lady back her house, built exactly as it had been before.

These two instances should be considered relevant for us today in view of the controversy surrounding the demolished Babri mosque at Ayodhya in December 1992.

Religious Liberty in Medieval India

Before discussing the nature and extent of religious liberty in medieval India, it is essential to keep in mind certain basic facts, which will help us to formulate a proper perspective of our historical legacy. First, it should be noted that in the Muslim period the state was not Islamic in the sense of the early Islamic history of the caliphates; although the head of the state in India was a Muslim, the state was not Islamic. The state did not follow the injunctions of the *Quran* or the *shariah*. Also, it cannot be called theocratic, because it did not function under the guidance of theologians. Almost every Muslim monarch of India expressed his inability and indicated the impossibility of conducting state business in accordance with the *shariah*. As a result, monarchs came into direct conflict with the Ulema/theologians. Iltutmish was blamed for his un-Islamic ways by Syed Nurul Din Mubarak Ghazanavi, Zial-al Din Barani condemned Balban, Muhammad Tughlaq and other Delhi Sultans for imitating the manners and adopting the political and social policies of non-Muslim Sasanian emperors in preference to the rightful caliphs. Qazi Mughis al Din complained to Alauddin Khilji for his deviations from the *shariah*. Similarly, Shaikh Ahmad Sarhindi criticized the Mughal emperors.

Secondly, the state was run more on the basis of political and military considerations/realities than in accordance with the teachings of Islam. Since the majority of the population was non-Muslim, the strict adherence of the *shariah* would have excluded them from imperial services, military, etc., which was neither feasible nor practicable for Muslims who were in a minority. Thirdly, though Islam does not separate religion from politics, the administration of most of the monarchs, with a few exceptions, remained secular, broad-based and liberal. Most of them were singularly free from all religious bigotry or fanaticism.

Lastly, many of the un-Islamic practices, under the influence of Indian culture, were adopted by these rulers. For instance, the weighing of the king against gold or silver on his birthday; inscribing the goddess Lakshmi on the coins (e.g., by emperor Shihabuddin)[8], state patronage of music, jharoka darshan or showing himself to the public from the balcony; admitting the 'evidence' of non-Muslims in the court as equivalent to that of a believing Muslim[9]; marrying Hindu women without converting them[10], and so on.

We may also examine the exact position of non-Muslim subjects, i.e., Hindus, under Muslim rule of medieval India, under the following heads: (i) The legal status of Hindus, (ii) Religious freedom to Hindus and (iii) Socio-cultural interactions.

The Legal Status of Hindus

In a Muslim state people are divided, on the ground of religion, into three general categories: the Muslims, the *dhimmis,* and the infidels or kafirs. The status of dhimmis is generally accorded to: (a) the "People of the Book" who have scriptures and (b) those who resembled the possessors of revealed books.

Though there was no agreement among jurists whether Hindus came under the first or second category, the Muslim rulers (from Mohammad bin Qasim to Aurangzeb), for all practical purposes, regarded them as *dhimmis*. Imam Abu Hanifa considers them as having revealed scriptures. Prince Dara Shikoh, who wrote his celebrated magnum opus, *Majmaul Bahrain* or the 'Mingling Two Oceans', a book which showed a similarity between Islamic thought and Vedantic precepts, opined: "It appears from the study of the scriptures that Allah the merciful sent a Divine Book known as the Vedas, in the beginning of creation. It is divided into four parts. In it there are instructions, orders and prohibitions for the action of mankind herein and hereafter. Hindus do believe that God is one. He has created the world. The world will be destroyed. Men will get reward for their good actions and punishment for bad ones. This cannot be denied that the Hindu religion is a good religion".

It is interesting to note that even the conservative Aurangzeb considered Hindus to be *dhimmis*. This is evident from "*Fatawa-I-Alamgiri*". Hindus had a defined legal status and were allowed to practice religious liberty. It was the responsibility of the state to provide them protection of life, liberty and property. They were exempted from compulsory military service, and sometimes were required to pay *jazia* (poll tax) in lieu of military service. However, those who were willing to join the army were never prevented from doing so and given administrative jobs too.

Religious Freedoms to Hindus

Although we find in the annals of medieval India a few unpleasant evidences that some of the Muslim rulers had imposed restrictions on the construction of new temples and had allowed only their repairs while intermittently causing destruction of certain temples, the general policy and attitude of Muslim polity was one of accommodation, religious tolerance and respect for the religions and cultures of the Hindus. This policy continued from the times of early Sultans of Delhi till Mughal rule.

Quoting a contemporary chronicler (Farishta) R. C. Majumdar writes that the early Sultanate of Delhi gave full religious liberty to their non-Muslim subjects. Even in the imperial city of Delhi they bowed before their idols, blew their conches, bathed in the river Jamuna and took out their religious processions without hindrance[11].

There is archaeological evidence to show that the construction of new temples, during the 13th century, was neither checked nor stopped. Thakur Phero's work on medieval temple architecture, *Vastusastra*, written during Ala-u'd-din Khilji's reign, does not make any reference to state interference in the construction of temples. There is, on the contrary, definite evidence, according to Professor K.A. Nizami, that temples were constructed during this period. Three images of the Jain sect, discovered in Etah (U.P.), contain dated records of their installation in the year 1278 A.D. A fragment of a bilingual inscription, in Persian and Sanskrit, found in the Purana Qila of Delhi records the endowment of 12 bighas of land to a temple dedicated to Sri Krishna. Feroz Shah's protest that "The Hindus and idol-worshippers had built new temples in the city and the environs", should be read in this perspective[12].

The Mughal rulers not only followed these liberal/secular policies of the Delhi sultans but also went much further. Among the Mughals, Akbar's record surpasses that of his predecessors as well as successors. His reign marks a new beginning in evolving a model government based on religious tolerance and broad humanism. He reconciled his Hindu and Muslim subjects by his policy of *Sulh Kul* or peace towards all. Though unsuccessful, he tried to bring about a synthesis of the two religions, Islam and Hinduism, which provoked vehement opposition from the theologians of both communities.

Akbar's decisions to abolish *jazia*, the pilgrimage tax, and lift the ban on conversions to Islam of the prisoners of war, allowing his Hindu wives to perform religious practices of Hindu worship, establishing new courts under Brahmin judges to decide cases between Hindus; prohibiting cow slaughter, himself abstaining from eating beef, garlic and onion, participating in Hindu festivals like *Rakhi, Dipavali, Sivaratri,* engaging in religious discourse with many yogis on their belief; employing a large number of non-Muslims into imperial service and elevating some of them to the highest position (like Raja Man Singh as Prime Minister, Todar Mal as Finance Minister); getting translated many Hindu religious books into Persian, such as *Atharva Veda, Mahabharata, Ramayana* etc.[13] speak for themselves.

Late Professor S.R. Sharma's controversial book, on the religious policy of the Mughal emperors while largely unsympathetic, makes some interesting, even startling, remarks. While observing that "the position of Hindus in India was generally much better than that of many communities in Europe whose faith differed from that of their rulers"[14] during medieval times, he is all praise for Akbar. He writes that the percentages of Hindu officers in Akbar's army was higher than the percentage of Indian officers holding the king's commission in the army in India before World War II. Against four Hindu governors in Akbar's reign of half a century, there was only one Indian Governor in India during a century and a half of British rule till 1937. No one in British India ever rose to the high rank, which Todar Mal held as Finance Minister. Of the 12 provincial Finance Ministers, appointed in 1594-95, eight were Hindus[15]. Is it not curious to note that in the 52 years of independent India only one Muslim could rise to the post of Home Minister during the Janata Dal Government led by V. P. Singh in 1989 (the Home Minister is the most important after the Prime Minister)? During the Sultanate and the Mughal period many Hindus were commanders in the army too. There was no discrimination against them for appointment to important political offices.

Jahangir tried to follow his father's policy of liberalism and religious tolerance. He prohibited the slaughter of animals twice a week, on Sundays and Thursdays. This was strictly enforced. Once when he discovered that his orders were flouted and meat was sold on one of these days, he flogged the Kotwal of the area. It is gratifying to note that once when 'Id' fell on a Thursday, he ordered the postponement of sacrificing of animals to the following Friday.

Religious tolerance of Jahangir can be explained by citing two scholars who enjoyed his patronage – Abdur Rahim Khan-I-Khanan and Sur Das. The former wrote all sorts of *dohas* (verses) including many in praise of Hindu Gods while the latter compiled the *Sur Sagar*; the emperor is said to have given Sur Das one gold coin for every verse[16].

Due to the legacy of his predecessors and the influence of his eldest son, Dara, Shahjahan continued to have liberal policies towards Hindus. Dara Shikoh translated the *Upanishads* and declared them to be the "book" referred to in the *Quran*.

There is a lot of skepticism among historians regarding Aurangzeb's policies towards Hindus. No doubt he was more Islamic/orthodox in his state functions than his predecessors (by introducing *jazia*, discontinuing the practice of *jharoka darshan*, prohibiting the ceremony of weighing the emperor against gold or silver on his birthdays, prohibiting singing in Court, etc.), he did have certain secular credentials. He issued secular decrees, called *zawabit*. A compendium of his decrees has been collected in a work, *Fatawa i-Alamgiri*. Theoretically, these decrees supplemented the *shariah*, in view of conditions obtaining in India, which were not provided for in the Islamic law.

While there are cases on record of some temples having been demolished for one reason or another during Aurangzeb's reign, recent research has shown that many generous grants were given by him for the maintenance of temples. B. N. Pandey, in his book on the role of Islam in Indian culture[17], documents the examples of more than 30 temples (including those of Abu, Ujjain, Chitrakoot, Guwahati, Girnar) which have even today copies of farmans issued by Aurangzeb granting them land and protection! Sikh gurudwaras also got handsome grants from him.

Hindus continued to occupy important positions in imperial service and enjoyed Aurangzeb's trust and confidence. In fact, the number of Hindu employees under his rule was double compared to that of Akbar. Though he banned music from court, instrumental music and *naubat* (the royal band) were continued. Singing also continued to be patronized by individual nobles. It is of interest to note that the largest number of Persian works on classical Indian music were written under his patronage and that he himself was proficient in playing the *Veena*.

Conversion to Islam did take place during Muslim rule but this never took the form of large-scale, systematic or forced conversions. Despite a thousand-year Muslim rule, the Muslim population of India was only around one third on the eve of Independence (before partition) and the majority still were Hindus. This should suffice to infer that religious liberty was granted by these rulers to their subjects, both Hindus and Muslims[18]. It would appear that conversions to Islam were due either in the hope of political gain and economic advantage, or to improve one's social position. Sometimes when an important ruler or a tribal chief was converted, his example was followed by his subjects. The *sufis* also played a role, though they were generally unconcerned with conversions, and welcomed both Hindus and the Muslims to their discourses. Rigidity of the caste system in Hinduism might have been one of the factors for lower castes to join Islam, but there is no evidence that a large number of persons belonging to these castes embraced Islam as a result of discrimination against them in Hindu society.

Socio-Cultural Interactions

The socio-cultural interactions between Hindus and Muslims over a millennium led to a remarkable development. A new culture was born, which was neither exclusively Hindu nor purely Muslim. It was a composite culture. "It was indeed", wrote Tara Chand, a noted historian, a "Muslim-Hindu culture. Not only did Hindu religion, Hindu art, Hindu literature and Hindu science absorb Muslim elements, but the very spirit of Hindu culture and the very stuff of Hindu mind were altered, and the Muslim reciprocated by responding to the change in every department of life"[19].

The interfusion of ideas and experiences between these cultural streams had begun long before Muslims established their rule in India. The Baghdad Caliph, Al Mansur, had ordered Al Fazari to translate *Sidhants* (Arabic Sindhind) in 800 AD, and Fazari thus became the first astronomer in Islam. Hindu contributions in the sphere of mathematics, astronomy, toxicology, chemistry, medicine, astrology, parables and politics had attracted the attention of the Arabs and a large number of Sanskrit works on these subjects had been translated into Arabic. This glorious intellectual heritage of India was, however, not open to the Indian masses in the 11th and 12th centuries. The Muslims brought with them to India, besides their own sciences, many of the sciences, which they had initially borrowed from the Hindus[20].

Though our focus here is not to detail these interactions, a few general observations may be made regarding the intermingling of two cultures. The early Muslim conquerors were not Arabs, who are generally orthodox in matters concerning religion; they were from Turkey and Central Asia, and did not apply the Arab principles of state and religion. The interfusion and synthesis of Iranian, Turkish and Indian cultures produced a liberal, secular and broad-based national culture. The cementing of the gulf between the Hindus and Muslims was done by inter-community marriages. Such inter-faith marriages were not only common among royals, but also among sufis and commoners at a lower level. It is to be noted that Shaikh Muinuddin Chishti is said to have married the daughter of a Hindu Raja of Ajmer.[21]

It is also interesting to note that birth from a non-Muslim mother could not become a hindrance for those claiming accession to the throne. For instance, Firoz Tughlaq, who was the son of Nila Devi, was preferred to Mohammad Tughlaq's natural son. Salim born to Jodhabai was crowned by Akbar himself. Khusrau, son of Manbai, a daughter of Bhagwan Das, was supported by a group of powerful nobles when he contested for the throne. Shahjahan's mother was Jagat Gosawini, daughter of Moti Raja. Kambaksh, though born of a Christian mother, was a great favourite of his father, Aurangzeb. Thus began the process of Indianization of Muslims rulers.

This synthesis and assimilation of Hindu-Muslim cultures produced some interesting outcomes. The growth of two great modern Indian languages Urdu and Hindi; the development of religious movements such as Bhakti, Sufism and Sikhism are illustrative examples. In this process, Islam left an indelible impact on Indian culture. The extent to which it influenced it can be perceived by citing two significant developments. First, the title given to Hindi or Hindustani (Urdu) translation of the Indian Penal Code is *Ta'zirat-e-Hind*. *Ta'zir* is an Arabic word, which literally means prohibition. According to *shariah*, it is applied to non-*Hadd* crimes. In '*Hadd*' the punishment for certain grave crimes (like murder, robbery, theft, adultery etc.) is fixed and unalterable, whereas, in all other crimes the *Ta'zir* punishment is regulated by the courts/judges. In *Ta'zir* the sentence is decided depending on the nature of the offence and the circumstance in which it takes place. *Ta'zir*, therefore, provides discretionary powers to the judge to invent new punishments to suit the changed socio-economic milieu. Second, the Hindu religion itself got an identity of its own. Mulk Raj Anand, well-known art historian and novelist, has expressed the view that 'there was no Hindu religion or Hinduism until the word Sindhu was perverted by infiltrators from the 12th century onwards, which later became 'Hindu', a word of contempt for idol worshippers'[22].

Conclusion

There is a lot that we can learn from our past. The ruling elite of today's secular and liberal India should emulate the spirit of our past heritage. This will strengthen communal harmony and national integration. Perhaps, we are failing in this gigantic task and refusing to learn from our historical experiences. Otherwise, how could we have provided, knowingly or unknowingly, avenues for the unfortunate growth of communal centres of power, such as the *Dharm Sansad* of the 'Sangh Parivar' and the *Milli Parliament* of Muslim bigots. It cannot be denied that we would have needed these parliaments of religious denominations, had there been no Parliament at all in New Delhi!

NOTES

1. For a detailed study of the freedom of religion in India see Abdulrahim P. Vijapur "Minorities and Human Rights: A Comparative Perspective of International and Domestic Law", in D. L. Sheth and Gurpreet Mahajan (eds.). *Nation State and Minority Identities*. New Delhi: Oxford University Press, 1999 and "Freedom of Religion and Belief in India", in Abdulrahim P. Vijapur and Kumar Suresh (eds). *Perspectives on Human Rights*. New Delhi: Manak Publications, 1999.

2. See Adnan Aslan. 1996. "Islam and Religious Pluralism", *Islamic Quarterly*, London, Vol.40, No.3, Pp.172-187.
3. See Abdulrahim P. Vijapur. "The Islamic Concept of Human Rights and the International Bill of Rights: The Dilemma of Muslim States", *Turkish Year Book of Human Rights*, Ankara, Vol. 15, 1993, Pp.103-133; Mohammad Zafrullah Khan, *Islam and Human Rights*, The Hague, 1967 and Ann Elizabeth Mayer, *Islam and Human Rights - Tradition and Politics*, Boulder, Colo.: Westview Press, 1991.
4. See Abdulrahim P. Vijapur. "Religious Liberty and Tolerance: A Muslim Perspective", *The Radical Humanist*, New Delhi, Vol. 59, No.9, December 1995, Pp.5-10.
5. Zafrullah Khan. No.3, p.116.
6. Cited in Asaf A. A. Fyzee, *Outlines of Muhammadan Law*, 4th edition. New Delhi: Oxford University Press, 1974, Pp.53-54. The long quotation on these two pages succinctly summarizes Ostrorog's views on Islam's contribution to human rights.
7. These incidents are narrated in Ahmed Kaftaro, "Islam and Religious Tolerance", *Conscience and Liberty - International Journal of Religious Freedom*, Vol. 3, No. 1(5), 1991, Pp.43-44.
8. The Delhi Sultan, Shihabuddin, continued the figures of the goddess Lakshmi on his gold coins. This fact "indicates the extent to which the conquerors were prepared to compromise their religious ideas with demands of the state". Khaliq Ahmad Nizami, *Some Aspects of Religion and Politics in India During the Thirteenth Century*, 2nd edition. New Delhi, 1974, p.316.
9. M. B. Ahmad. *Administration of Justice in Medieval India*, (Karachi, 1951, p.213. It may be noted that oaths (*saugand)* were administered to witnesses according to their religions. The Muslims said "by God", the Hindus swore on the Cow and the Christians on the Bible. Ibid., p.221.
10. According to *Ain-Akabri*, the king issued a proclamation, which read: "No man should be interfered with on account of his religion and everyone should be allowed to change his religion if he liked. *If a Hindu woman fell in love with a Muhammadan and changed her religion she should be taken from him by force and be given back to her family*". (Italics added). Quoted in Ahmad, No.9, p.93. Apparently this attitude was adopted by Akbar after he had married a Hindu Rajput princess.
11. Quoted in R. C. Majumdar and others, *An Advanced History of India*, Madras: Macmilan, 1985, Pp.298-99.
12. K.A. Nizami. No.8, p.320.
13. For a detailed study see, M. Athar Ali, "Translations of Sanskrit Works at Akbar's Court", *Social Scientist*, Vol. 20, No.9-10, Sept.-Oct. 1992, Pp.38-45.
14. Sri Ram Sharma. *The Religious Policy of the Mughal Emperors*, 3rd edition, New Delhi, 1988, p.7. On the question of tolerance Rajendra Prasad, the first President of the Indian Republic, made a refreshing observation: "The attitude of the Muslim conquerors had, on the whole, been one of

toleration, and in spite of the fanatical zeal manifested by some of them at times, it may be safely asserted that there had been a continuous effort from the earliest days to deal with the Hindus fairly". Rajendra Prasad, *India Divided*, Bombay, 1946, p.86.

15. Ibid. p.22.
16. Ibid. p.73.
17. For excerpts see, *The Sunday Times of India*, 22 August 1993, p.13.
18. Nurul Hasan. "Aspects of State and Religion in Medieval India", *Man and Development*, Vol.14, No.3, Sept. 1992, p.90.
19. Tara Chand. *Influence of Islam on Indian Culture*, Allahabad, 1946, reprinted 1976, p.111. See another related book, M. Mujeeb, *Islamic Influence on Indian Society,* New Delhi, 1972.
20. K. A. Nizami. No.8, p.74.
21. Ibid. p.324.
22. Mulk Raj Anand. "Religion and Righteousness", *The Sunday Times of India*, 29 August 1993, p.16.

Human Rights Education for Mass Communication Students

I. Arul Aram

Mass communication reaches out to every section of society including those not covered by formal education. It provides information, and influences the thought process of the people. This has led to a mushrooming of Mass Communication degree programmes at the post-graduate level. Such programmes are normally cramped with diverse media like the press, radio, television, traditional media and cinema, besides advertising and public relations. In the over-enthusiasm to cover as many media as possible, the syllabi's focus is on the forms of media and not the content. The degree programmes hardly have any orientation in social sciences and they leave the students without any knowledge of social issues. Since mass media have power to make a significant impact on society, media professionals should have a good understanding of society and should be sensitive to human rights issues. The given reality today is that media persons, who mostly hail from the middle and upper middle class, tend to take the side of the oppressor. Hence an academic programme on mass communication should necessarily have a human rights component.

Most of the programmes in mass communication are primarily meant to train students as journalists, be it print or electronic media.

So I shall concentrate on journalism. Journalists of today are inspired by a flair for expression and the power of mass media, besides the salary the job fetches. Only a few are motivated by social concern. The enrolment criteria in mass communication programmes focus more on flair for expression than concern for social issues. This leaves out many aspirants who do not hail from the elite background. The stress on human rights education would definitely check the bias in favour of elites in mass communication academic centres. And more and more students from oppressed sections will gain courage to pursue mass communication programmes with commitment.

Journalism played a major role during the period of freedom struggle. The Indian journalists, whose pride was offended in the subjugation of the country by a foreign power, vehemently wrote against the British rule. Once the British left and India became an independent country journalists were left with nothing to fight for! They should have given their attention to frequent human rights violations in independent India which still remains, regrettably, highly stratified and economically imbalanced. But since most journalists hailed from the upper strata of society and they did not undergo sensitisation by a human rights training, majority of them lacked social concern. With a human rights movement springing up in the recent decades, rights violation issues, of late, appear as features in mass media, though rarely as hard news.

Selective Sensitivity

In a sense, journalists worldwide are sensitive to human rights issues. But in what way? They are sensitive to the issues that affect the people with whom they have natural affinity in terms of nationality, race, caste, religion, language, etc. American journalists devoted most time/space for trauma suffered by the families of a few U.S. prisoners of war in the 1990 Gulf war. But they never bothered about the hundreds of Iraqi civilians killed. In the post-war sanctions in Iraq which is still continuing, thousands of children are dying for want of food and medicines. International news agencies which mostly employ western journalists failed to highlight this for a long time. (Even the U.N. dominated by the U.S. delayed the release of an UNICEF report on the sufferings of the Iraqi children.) So did the sufferings of the locals in Kargil hardly find a place in media during the coverage of the war-like conflict on the Indo-Pakistan border in mid-1999. Indian journalism dominated by upper caste Hindus, did not think it fit to highlight the plight of the Indian Muslims living in Kargil. So was the severity of police atrocities on rallying Dalit plantation labourers in Tirunelveli in Tamil Nadu in July 1999 which led to 18 deaths, ignored. Police not only chased away the rallyists but also beat them to drowning even after they jumped into the river running alongside to escape police action. They even stripped some women off their sarees so that an escape became difficult. But the newspapers simply reported that the deceased drowned while trying to run away from police. A few sensitive stories on these events must have been due to the dawn of human rights sensitisation among journalists. But there is a long way to go.

At times human rights stories, which were ignored when the incident occurred, appear as an aftermath of human rights activists taking up the issue. For instance, the murder of a tribal activist involved in the anti-liquor movement in Orissa in July 1999 got coverage in the prominent media only after a human rights forum took up the issue. The forum's fact-finding team concluded that the activist was killed by the liquor mafia and some police officers who were hand-in-gloves with the liquor-trade. Even after publication of the news, hardly any journalist ventured to visit the tribal areas to report the anti-liquor struggle.

Anti-Thesis to Mandal

Hindutva came to limelight in the 1990s as an anti-thesis in the post-*Mandal* era. Upper caste Hindus, who would have lost their traditional dominance in society with the backward caste self-assertion, resorted to support the Hindutva which provides them with some safeguard. Because of this trend, even Hindus who have nothing to do with Muslims in their social circle tend to hate Muslims. Muslims become an imaginary enemy in the process of upper caste Hindus regaining their dominance in society. A good number of journalists fall in this trap, and media has become a tool of anti-

Muslim propaganda. With the escalated tension on the Indo-Pakistan border the term 'Pakistan' has become an euphemism in the anti-Muslim and Hindu consolidation campaign, ably aided by the propaganda machinery of the Sangh Parivar. Unfortunately, even teachers in schools and colleges contribute to this malady. As a proof of this I quote from a prize-winning millennium essay of a Standard IV student in a reputed newspaper's children section: "I want India in the next millennium to be like this: There should be no Pakistan ...". The student would not have submitted such an essay to a newspaper without the support of the teacher. The revision of textbooks in states such as Uttar Pradesh and Madhya Pradesh to put Muslims and former Muslim rulers in bad light should be seen in this context. Dr. R.M. Pal has drawn our attention to this aspect in his background paper [published in this volume-eds.]. In fact, human rights education should be able to remove this sort of narrow-mindedness and enhance cultural relativity and promote social harmony.

Human rights education should be undertaken with conviction. If the teacher lacks it, human rights education will fail just as Gandhi's Basic Education did. Answers must also be got for the question 'whose human rights?'. Often journalists consider the human rights issues affecting their social strata as those prevailing in the entire society. This assumption should be proved wrong by the human rights course. And the mindset needs change. For instance, journalists from upper castes (where the dowry system prevails) took up the cause of eradicating the evil dowry practice. Agreed, their intention was honest – they wanted to eradicate an evil, though they would not go into the roots of the problem. (Incidentally, the system of dowry got a lot of publicity, and the evil practice was adopted by other castes and Tribals. The fact remains that even the best intentions can be counter-productive).

Journalistic Objectivity

On some issues such as the Cauvery water dispute, journalists of a same newspaper belonging to two linguistic groups and working for different editions of the same newspaper write diametrically opposite views "to uphold the human rights" of farmers in their respective states. Journalists from each side of the state border are convinced that their state has been wronged and the human rights of their farmers to get enough irrigation water are being violated. Something has gone wrong somewhere. And objectivity gets a wrong definition of upholding the views only of people who read the respective editions of the newspaper. A course on human rights should enable a person to give up prejudices and see even human rights violations across the borders. Such human rights values can be taught through analysis of media clippings, the media production exercises, and visits to places where human rights are violated.

Indian Middle Class

It is said that Indian society is now coming out of the caste system. The urban middle class has grown in size over time and so it has a greater say in policy making. It puts up that the caste system is a matter of the past. With the reservation for non-upper castes in educational institutions and an unwieldy population, the white-collar job market, which sustains the middle class, is highly competitive. And this class is most self-centred, selectively aware of its own human rights and least bothered about the interests of agricultural or landless labourers. Persons from whichever caste joining this expanding class normally adopt the middle class values and mindset. Although members of this class are media savvy and talk about problems affecting various sections of society, their real social concern stops with their fight for their own wage increase and their civic amenities. This is the salaried class and no change in the political structure affects it. In the absence of any real issue affecting this class, Hindutva and the might of armed forces are being treated as the greatest issues. The middle class is a synthesis of Macaulay's *babus* and Brahminism. But for the latter caste aspects, Macaulay's minutes might have ushered in "downward filtration". I consider the middle class a stumbling block to overall development. We are not able to make elementary education compulsory even after Amartya Sen got the Nobel prize in 1998 citing this in 1994/95 as the path for development. A human rights course in the mass communication programme would go a long way in sensitising the urban middle class through mass media, without whose active involvement human rights will remain a myth.

The U.N. Decade for Human Rights Education ending in 2004 too aims at "the strengthening of the role and capacity of the mass media in the furtherance of human rights education". Also, the office of the UN High Commission for Human Rights is developing training material for specific target groups including journalists. This could form part of the human rights course for mass communication students.

The IXth Plan Approach to Promotion of Human Rights Education in Universities and Colleges brought out by the University Grants Commission (UGC) in 1998 rightly identifies two areas where the rights are violated: "...the ever-increasing power of the State with potential of its being abused or excessively used against the individual... Many times, members belonging to civil society using their social status use force and indulge in practices which are derogatory to human dignity".

But commitment is all that is required to get across human rights education successfully. Some years have gone after the Sikri Commission set up by the UGC submitted its report on human rights education. It has been followed up by the National Human Rights Commission. Still nothing concrete has taken shape. I would consider this paper worth its effort if the UGC circulates it among the mass communication departments, along with its Approach Paper on human rights education. Not always the UGC will be in a position to enforce its guidelines on the universities, as the universities are autonomous. But the UGC could remind the universities persistently about its guidelines.

Already students of mass communication learn the Indian Constitution and the press laws, apart from history of journalism. Hence introducing a human rights course in their curriculum is easy. Fundamental rights and directive principles enshrined in the Constitution will make sense only if a person who studies them has human rights awareness. And the knowledge of the law which forms the super structure will be made meaningful by the knowledge of the human rights which is inter-twined with the basic structure of social forces. This would make a would-be journalist sensitive to human rights of the sections even other than his or hers.

Tackling Dowry - A Human Rights Approach

D.K. Giri and Iris Ruebel

> *Acceptance of dowry is a disgrace for the young man who accepts it as well as perhaps a dishonour for the womanfolk.* ***- Mahatma Gandhi.***

There is a tendency to assume that democracy ensures respect for and preservation of human rights. In fact, several studies have shown that the sustenance of democracy depends upon continuous education of society in citizenship and human rights. Furthermore, knowledge of human rights reduces risks of social tensions related to physical abuse, sexual exploitation, child labour, denial of basic socio-economic rights and many other social problems. Human rights education enables us to discover links between various forms of injustices and helps each individual to be conscious of his own rights and respect those of others.

It is, therefore, essential to teach that everyone is equal. Students admit that it is one thing to have an instinctive belief in equality of human beings based on one's religious conviction, humanist or political viewpoint or any other inspiration; it is another to have the principles written down and shown to students. Only then students could better appreciate and internalise the principle that all human beings are equal and have equal entitlement to rights in society.

Human rights framework can, therefore, serve to explore various issues of equality and inequality in the world. Education performs a transforming role; a society receiving formal education in human rights is sure to respect them more than those that are deprived of it. By the same token, it can be argued that denial of information on human rights amounts to denial of rights themselves.

This essay argues two main points. First, dowry is a complex issue involving a series of violation of rights of women from prebirth upto adulthood rather than just economic exploitation. Precisely because of this limited economic approach, the evil of dowry has been increasing relentlessly despite stringent laws and vigorous campaigns against it. So the second point relates to having a human rights approach which treats women with equal dignity and which includes all facets of the problem.

Origin of the Dowry System

In order to understand and tackle the problems of the dowry system and its evil effects, it is important that we go, briefly though, in its origin and its growth over the years. It is not certain when this custom started and when it turned into a social evil. Actually, dowry was meant to be a token of love and affection for the daughter at the time of her marriage and a measure to ensure respect and good treatment for her in her husband's family as well as to make sure that she continues to enjoy in the husband's house all comforts she has been enjoying prior to marriage.

It is generally argeed that the phenomenon of dowry emerged as a result of the low status of women in Indian society. According to some historians in the Vedic Age a woman's status was equal to that of a man; women enjoyed high esteem in all spheres of public, social, religious and economic life, and were as independent as men; they also contributed to the family income by agricultural work and cattle-breeding. The gradual shift in production patterns in the post-Vedic period saw a decline of the status of women because of the withdrawal of women as a group from the production process. Food production became concentrated outside the household; the introduction of iron-plough-based agriculture and subsequent development of a rigidly defined family structure, private property, patrilineal succession, and the growth of state further sharpened the caste, class and gender divisions. The major victims of this shift to a class, caste and gender-stratified patriarchal society were women. The growing Brahmanical influence starting from the Smirti period led to the institutionalization of the *Brahma* form of marriage as the most desirable one. It is characterized by the *kanyadana* – "the gift of a daughter after decking her (with costly garments) and honouring her (by presents of jewels) to a man learned in the Veda and of good conduct whom (the father himself) invited. Further, the son, born of a *Brahma* form of marriage was believed to purify ten ancestors and ten descendants, thereby of great spiritual value"[1]. Initially, this form of marriage was reserved for the upper castes, while the lower castes continued with other forms of marriage including the tradition of bride-price which was supposed to be a compensation for a girl's father who lost a contributor to his family's income and wealth. But the lower castes were eager to raise their status and slowly but steadily adopted the customs of the upper castes during the process of Brahminization and Sanskritization[2]. This process of former matrilineal and matrilocal societies, which declined in favour of patriarchal, patrilocal and patrilineal societies, was the basis for the spread of the dowry system all over India.

At the end of this millennium the growth and magnitude of the problem are assuming alarming proportions. Almost every day newspapers and magazines report cases of harassment and torture inflicted on young women for more dowry, bride-burnings and cases of women who are driven to commit suicide after their marriage because of their inability to stand the consequent hassle for more money and latest gadgets. According to the National Crime Records Bureau of the Ministry of Home Affairs, the number of crimes against women reported was 53,860 in 1987. It rose to 74,903 in 1991. For the same years, the number of dowry deaths was 1,912 and 5,157 respectively. In the category of cruelty by husband and his relatives the rise was from 11,603 to 15,949[3]. The number of dowry deaths registered at the Crime Women Cell for the Union Territory of Delhi alone was 133 in 1996, 148 in 1997, 126 in 1998 and 79 upto 15 August in 1999[4].

The dowry system is restricted to not only the northern part of India as the following figures from Bangalore illustrate: 1,133 cases of unnatural deaths of women were registered at the Bangalore Police Commissioner's Office in 1997; 1,248 cases in 1998; and 618 cases upto June 1998. These deaths were categorized as murders, suicides and "kitchen accidents", many of them due to dowry problems[5].

The National Commission For Women registered 23 cases of dowry harassment and two cases of dowry deaths in the month of June, 1999; 59 cases of dowry harassment and 32 cases of dowry deaths were registered in July 1999[6]. Although these figures are striking enough, it must be underlined that they are only the tip of the iceberg and that a large number of cases go unreported because women are still not aware of their rights and the legal action they can take against any sort of dowry harassment, and also because parents do not like to be involved in court cases as they are usually counter-productive and full of harassment.

Violation of Basic Human Rights

The dowry system not only contributes to the cementation of patriarchy and the low and unequal status of women in Indian society but also systematically violates basic human rights of girls and women. People are still ignorant of the dignity and rights of women as equal individuals. Women are looked upon as mere vehicles for the transportation of wealth from their parental family to the marital one, and consequently a Hindu marriage becomes more and more a bargain instead of an emotional and sacramental unification of a man and a woman. Anxieties related to dowry force parents to regard their daughters as liabilities and even burdens on the family. This attitude results in miseries for the girl child even before she is born. The abortion rate of female foetus in India has reached fantastic figures since amniocentesis was invented. This can be said to be the main reason for the unequal Indian sex ratio which is extremely striking when compared with the western world. In 1981, the sex ratio in India was 931 females (per 1000 males) while it was 1064 females in Western Europe, 1056 females in Eastern Europe, the world average being 990 females.

The dowry system violates the right to life of thousands of girls in India every year. Furthermore, girls face discrimination in their upbringing as they are often denied the right of equal access to food, clothing, sports, entertainment and, most importantly, the rights of equal access to education. After marriage women suffer harassment, torture and humiliation due to dowry demands which contradict the basic human right of equal dignity of the two sexes. Amazingly, dowry related crimes continue despite punishment, publicity and legal action against them. Crimes related to dowry go unabated because of the lethargic attitude of law enforcing agencies and delays in courts.

Anti-dowry Laws

Efforts have been made to eradicate the social evil of dowry. Social reformers have had hopes that dowry-related crimes would decline if women's property and inheritance rights were secure. Therefore the Hindu Succession Act was passed in 1956, followed by the Dowry Prohibition Act in 1961, amended in 1984 and 1986. Under the amended Dowry Prohibition Act any person who gives or takes or abets the giving and taking of dowry shall be punished with imprisonment for a term which shall not be less than five years and with a fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more. Dowry is defined as any property or valuable security given or agreed to be given in connection with marriage either directly or indirectly by one party to the other party in the marriage or by the parents of either party or by any other person to either party. It also includes any property given before the marriage or at any time after the marriage. In addition, Section 498(A) was introduced in the Indian Penal Code: "Whoever being the husband or the relative of the husband of a woman subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine". Cruelty is defined as any wilful conduct which is of such nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health of the woman or harassment of the woman where such harassment is inflicted with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demands. "In case of a suspicious death of a woman, the police can claim for an examination of the body. If a woman dies under suspicious circumstances or commits suicide within seven years of marriage, the magistrate can, irrespective of a police enquiry, hold an enquiry on his own".

The Dowry Prohibition Act applies to all communities of whatever faith within India. If gifts and presents are given in a marriage, both the bride and the groom have to maintain a list of the items given at the time of marriage or as soon as possible thereafter, which has to contain a description of each article, the name of the giver, his or her relationship to the receiver and the approximate value of the article. This is supposed to avoid quarrels in case of separation of the two parties. The burden of proof has been shifted to the accused who has to prove that he/she is not guilty of giving or demanding dowry. Dowry death is defined as a case in which a woman dies due to burnings or bodily injury and in suspicious circumstances within seven years of her marriage and if it is shown that immediately before death the wife was subjected to cruelty or harassment by her husband or his relatives in connection with demands for dowry. Any person who is found guilty of causing a dowry death is punishable with imprisonment from seven years to life imprisonment.

Dowry death has been made a cognizable and non-bailable offence. Section 113-A has been introduced to the Indian Evidence Act of 1872. It says that abetment to suicide shall be punishable by imprisonment and fine. Although the Dowry Prohibition Act has been amended a number of times, it is clear that law alone can not bring about any change. There are many loopholes in it, e.g., dowry can still pass easily as voluntarily given presents. Apart from the fact that laws are not sufficient, there is the other problem: a serious lack of their proper implementation. Furthermore, in many cases investigations by the police are much too slow and too sloppy.

There are also frequent allegations that male police officers are not gender-sensitive. It is, therefore, important that the strength of female police officers investigating dowry cases is increased. In

1990 the sanctioned strength of women police officers in the Union Territory of Delhi was 1196, while the actual strength was only 849. Many women are not even aware of the existence of the anti-dowry laws and the legal protection to which they are entitled. Therefore, it is necessary to create awareness of their rights as well as generate confidence in law and its proper execution. Surveys conducted so far indicate that the majority of respondents do not see any impact of law on dowry system.

Organisations Against Dowry

All over India numerous governmental and non-governmental women's organisations have been campaigning against the dowry system and fighting its terrible consequences for women and Indian society. The National Commission for Women, for example, has set up a Complaints and Prelitigation Cell. Any woman suffering from cruelty or crime can address herself to the Commission and ask for counselling and support. The functions of the Cell are: To look into complaints and take *suo motu* notice of matters relating to: (i) deprivation of women's rights. (ii) non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development, and (iii) non-compliance of police decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women and taking up the issues arising out of such matters with appropriate authorities. The Cell is also required to investigate into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal. In short, the Cell is the watch-dog of the honour and dignity of women and protection of their rights.

During the years 1992-1997 the Cell received 445 complaints of dowry harassment/atrocity, 10 complaints of dowry related suicide and 44 complaints of dowry death/murder. The Cell offers a counselling service for women who are suffering from dowry related violence as well as a short-stay-home (maximum six months) for women who do not want to rejoin the husband's family and can not return to their natal family. During their stay in such a home the Cell tries to provide employment for them and teach them income-generating skills[7].

Mahila Dakshata Samiti is another prominent women's organisation taking up the cause of women. It is a non-profit, non-sectarian, secular body of women whose function is to exercise vigilance and fight against social evils like dowry, injustice and atrocities affecting women and children in particular, and society in general and to strive to enhance the status of women as well as fight against black marketing, adulteration, corruption and price rise. Its aims and objectives are: family counselling, creation of social and legal awareness, slum development, health and sanitation programmes, consumer education, care of the aged and the rights of the child. Mahila Dakshata Samiti is one of the first women's organisations in Delhi which took up the issue of dowry, dowry harassment and dowry death in the late seventies. Mahila Dakshata Samiti organised anti-dowry demonstrations in the streets of Delhi as well as in front of workplaces and homes of accused persons in order to draw public attention to the issue of dowry and exert social and moral pressure. It also published a booklet on the topic and claimed legal steps from a former Prime Minister, Charan Singh in 1978 who assured the members of the Mahila Dakshata Samiti that measures to stop the "maltreatment of women for dowry would be introduced in the next parliamentary session".

In the late seventies and early eighties, there were rigorous campaigning and demonstrations against dowry organised by women organisations. Stri Sangharsh even performed a street play (*Om Swaha*), which was based on the lives of two women and attacked dowry and dowry deaths. The play was effective and helped to create awareness. A feminist magazine, *Manushi* has also organised, group discussions on the issue and drawn attention to the role of the police in investigating dowry cases. A very important point in the dowry debate is that it is only an instrument for carrying out humiliation and torture on women, but not the cause of it. Harassment due to dowry demands is possible because of the powerless position women still have in the Indian family structure. However, the law and awareness campaigns alone cannot bring changes unless fundamental structural changes are made where women have equal options as men.

An important aspect to note about the movement against dowry and dowry related violence is that organisations of all kinds all over the country are working together. Radha Kumar puts it thus: "What is fascinating about the movement against dowry and dowry violence is how it has woven together several different kinds of attitudes towards women in India: from feminist to anti-patriarchal to anti-capitalist to utopian patriarchalism".

While taking a close look at the work of women's organisations on dowry-related issues in the seventies and eighties and comparing it with the work done at the end of this century, one can hardly ignore the impression that the determination and efforts required to fight dowry have been gradually declining. Reports in newspapers on dowry related violence and accounts of incidents are published almost daily – there seem to be forgotten all too quickly. These reports do not create much attention; neither politicians nor women activists and women's organisations appear to be moved by horrendous events. Is this so because there are more urgent problems concerning women in Indian society? Or is it just a campaign-fatigue or a sign of 'giving in' to the problem, because there have been no noteworthy changes since campaigning against dowry was started almost three decades ago? Or is it because strategies of the campaign have been inappropriate, obsolete and need to be reoriented? It is evident that new ideas and new concepts are necessary. It is here that we suggest a human rights approach and education that will put dowry in different perspectives.

Lack of Support Systems and Lack of Education

The fight against the dowry system is aggravated due to lack of support systems for women who are confronted with dowry-related violence. They can address themselves to one of the counselling cells or in serious cases to the police to get justice. Most of the counselling services try to reach a compromise between the two parties which is of course highly admirable, but in reality things relapse into status-quo-ante after a while. Short-stay-homes are offered to women who can neither return to the husband's house nor to their natal family, because parents refuse to accept them for various reasons. But usually stay in such a home is limited to six months which is too short a time to be able to set up an independent and autonomous life, especially if a woman does not possess any professional education. The fate of a woman becomes worse due to very limited availability of financial help from the government or from any institution. What makes the situation even more difficult is the stigma and the lack of moral support in her social surroundings and neighbourhood if a woman tries to leave her husband and wants to live on her own. Unless these support systems are put in place, a woman confronted with dowry violence has to remain a helpless victim. Another fact that makes it extremely hard to eradicate the evil of dowry is the lack of awareness of rights, caused by a lack of education in law and in human rights.

A survey carried out on students of sociology at New Delhi's Jawaharlal Nehru University[8] illustrates the relevance of education concerning dowry-related violence and of the knowledge of anti-dowry-legislation. On a question to specify in which year the anti-dowry-Act was passed, 54% of the respondents had to admit that they could not answer this question, while only 27% of the respondents could specify the correct year and the remaining 19% of the respondents named a wrong date[9]. On "Have you been taught about dowry problems during your studies?", the answer was: only 8% of the respondents had been taught regularly about dowry problems, 8% had been taught frequently, 69% had been taught sometimes, another 8% of the respondents had been taught rarely and 6% had never been taught about dowry problems during their studies[10]. Asked to specify what sort of penalty is given for giving and demanding dowry, the respondents gave the following answers:

Questions	**Percentage**
Do not know	49%
Imprisonment + fine	25%
Imprisonment	22%
Arrestment	2%
Death sentence	2%
Total	**100%**

Only one of the respondents was able to specify the exact amount of fine and the exact term of imprisonment.

This study illustrates the urgent need for the establishment of economic, social and moral support systems as well as the establishment of human rights education in the curricula of schools, colleges and universities. Furthermore, education on social problems in India should find its way into the curricula of all educational authorities. Human rights education has to start at a very early age so that its values could be internalised instead of role stereotypes.

To conclude, the problem of dowry will continue unabated until women begin to assert and acquire social status through education and economic independence and men respect the rights of women, and, above all, society changes its attitude towards women. Let us realise that women are to be treated with equal dignity and not as second sex. Let us remember that dignity is a right which all members of the human family possess equally. As we have been, evils of dowry enters the life of a woman even before she is born and later on inflicts several forms of discrimination, harassment and violence. Dowry has to be tackled in totality of its ramifications affecting not a woman but a human being with a human rights approach.

How can the human rights approach be made effective? Democratic societies are based on people's understanding and support for shared values which are based on human rights. Moreover, human rights education is an important means of creating a human rights culture which respects social, political, economic, cultural and other basic rights as it rejects injustice, inequality and discrimination.

Human rights are supra rights subsuming all other rights human beings are entitled to. As we have argued, dowry violates various rights of women requiring interventions from several agencies for their protection. What is, in fact, needed is a concerted action plan for protection of women. That will be possible only when problems related to dowry are conceptualised and packaged as human rights and a human rights culture is created through education and training. This will, in the long run, eliminate the persisting menace of dowry.

NOTES

1. Sheel, Ranjana. 1999. "The Political Economy of Dowry Institutionalization and Expansion in North India", p.40.
2. This has been argued forcefully by M.N. Srinivas in his several writings.
3. Antony, M.J., *Landmark Judgements on Dowry Related Deaths*, p.1.
4. Figures from the Crime Women Cell.
5. Parvathi, Menon. "Dowry Deaths in Bangalore".
6. Figures from the National Commission for Women.
7. A National Commission for Women booklet, 1992-97. National Commission for Women, Annual Report 1995-96.
8. A sample of 50 students doing M.A. in Sociology, which is, of course, not a big sample, but gives an impression of the situation.
9. See Appendix. I
10. See Appendix. II

REFERENCES

Agnihotri, S.B. "Missing Females: A Disaggregated Analysis", *Economic and Political Weekly*, Vol XXX, No. 33, August 19, 1995.

Antony, M. J. 1995. *Landmark Judgements on Dowry Related Deaths*, New Delhi: Indian Social Institute Publications.

Bhartiya, Janani. A Magazine of Mahila Dakshata Samiti, No. 18, March 1999.

Diwan, Paras. 1995. *Dowry and Protection to Married Women*, New Delhi: Deep & Deep Publications.

Krishna, Iyer S. "Origin of Dowry and its Social Consequences", *Social Welfare Magazine*, February 1999.

Kumar, Radha. 1993. *The History of Doing*, New Delhi: Kali for Women.

Manushi, No. 5, 1980; No. 48, 1988; No. 53, 1989.

Menon, Parvathi. "Dowry Deaths in Bangalore", *The Economist*, August 1999.

National Commission for Women Annual Report 1995-96.

A National Commission for Women booklet, 1992-97.

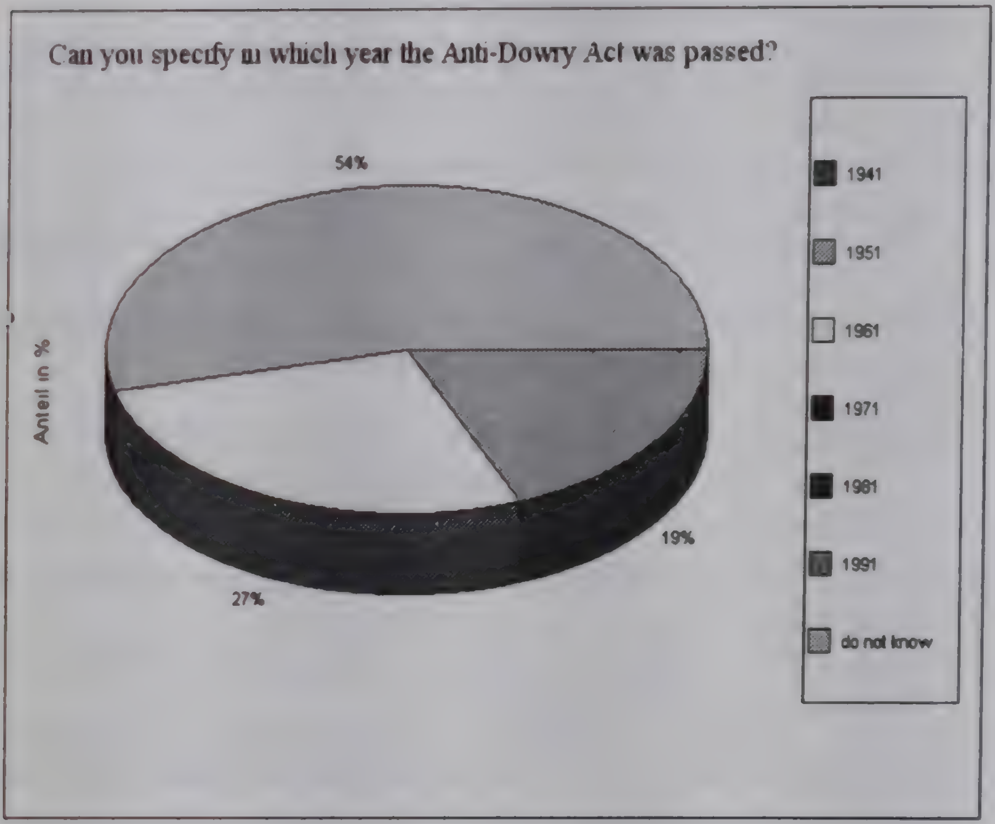
Sahai, Shailly. 1996. *Social Legislation and Status of Hindu Women*, Jaipur: Rawat Publications.

Sen, Sankar. 1998. *Human Rights in a Developing Society*, New Delhi: A.P.H. Publishing Corporation.

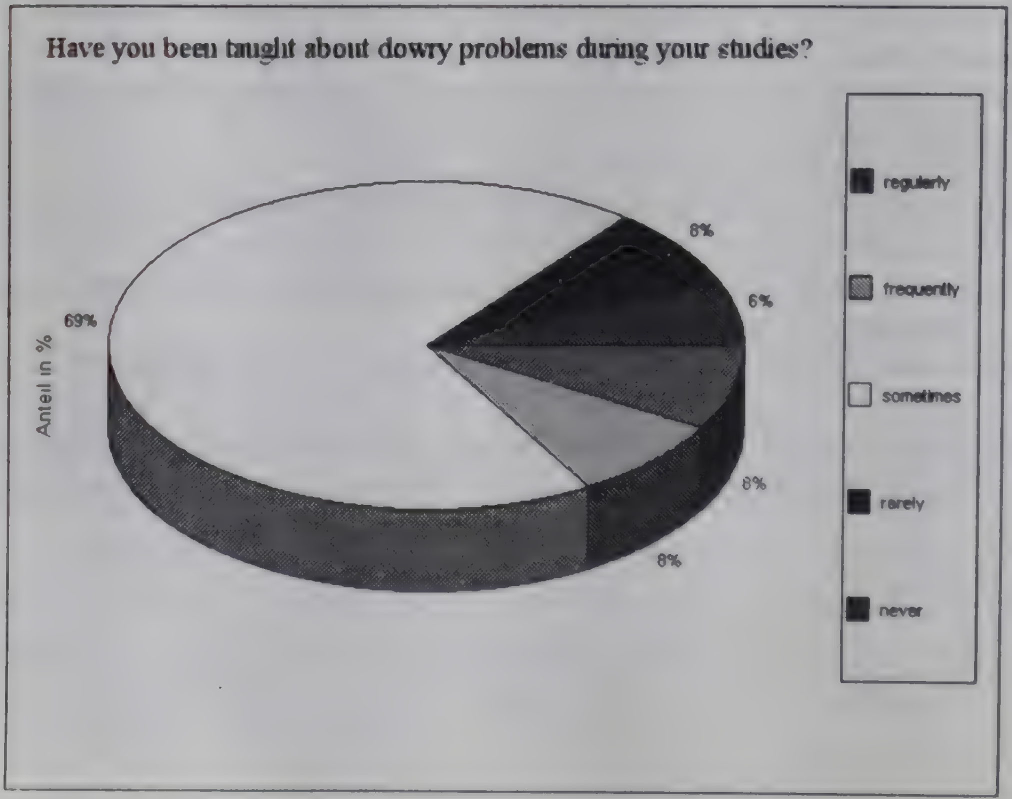
Sharma, O. C. 1994. *Crime Against Women*, New Delhi: Ashish Publishing House.

Sheel, Ranjana. 1999. *The Political Economy of Dowry*, Institutionalization and Expansion in North India, New Delhi: Manohar Publishers & Distributors.

APPENDIX I


Can you specify in which year the Anti-Dowry Act was passed?

APPENDIX II


Have you been taught about dowry problems during your studies?

Land, Labour and Human Rights of Dalits

G. Nancharaiah

Professor Nancharaiah does not refer to the role of human rights education in bringing about a change in Dalits' human rights. However, the issue of Human Rights Education (HRE) in India must be debated in the context of what Professor Nancharaiah states in regard to inequalitites. One major objective of any human rights education ought to be to remove those inequalities and resolve the problem of social tensions and violation of human rights. In order to have this accomplished in favour of the marginalised, strict implementation of land reform and redistribtuion of land among Dalit agricultural labourers is highly warranted. Given the role of the Indian State in promoting an anti-Dalit agricultural policy it is difficult to expect that it will make viable intervention to protect Dalits' rights! However, human rights of Dalits need to be promoted and protected through strengthening of anti-poverty programmes. The very structural dimension of the agricultural policy is, unfortunately, an important reason to delimit the access of the Dalits and other marginalised groups to the basic needs of life. Therefore, the purpose of human rights education is to educate the victims about their human rights including land rights.

The problems of social tensions and violations of human rights will continue to plague India as long as agragrian structure remains iniquitous in the rural economy and agricultural labourers continue to depend on landlords for their livelihood. At the same time, equality in the present agrarian structure is a distant dream. No HRE can, therefore, become meaningful unless and untill it aims at transforming the existing agrarian relationships. If the State and its institutions are serious about human rights education they have to take appropriate measures to expand educational facilities to the agricultural workers. More specifically, the target of HRE has to be the landless Dalit agricultural *labourers who must be made aware of their rights. They must also acquire the necessary skills so that they need not depend on landlords for their livelihood; they should be able to make choices in non-farm employment opportunities. It is in the above context that Professor Nancharaiah's paper is relevant – Eds.*

This paper attempts to examine the change in the occupational distribution of work-force and educational and economic development with special reference to Dalit (Scheduled castes) agricultural workers at national level in the post-Independence period in the context of agricultural growth and special developmental measures initiated by government to understand the linkages between violation of human rights in case of dalits and their dependence on agriculture as landless labourers. Some case studies are also presented in support of the arguments.

Dalits were subject to social stigma called untouchability. They were denied right to education and the right of owning land. They were also denied the right of bargaining wages and they had to accept whatever was paid to them. They had to perform a number of duties in villages without any remuneration. Dr. Ambedkar observed that untouchability was not only a system of social discrimination against Dalits but a system of uncontrolled and unmitigated economic exploitation[1]. Dalits who have been subject to deprivation and economic exploitation for centuries remain socially and economically weak even after 50 years of Independence. They are not in a position to exercise their basic human rights despite Constitutional protection as more than 75 per cent of Dalit workers remain as agricultural workers, mostly, landless labourers without any economic base, depending on the landed gentry for their livelihood and suffering from acute poverty.

Dalits (SCs/STs and Agriculture)

As per the 1991 census SCs constitute 16.40% and STs constitute 8.08% of the total population excluding Jammu and Kashmir at all-India level. 18.72% of SC population and 7.39% of ST population, that is, more than 81% of SC and about 93% of ST population live in rural areas as against 74% of the general population. The work participation rate of SCs, defined as the percentage of SC population participating in the work to total Scheduled Caste population, is 39.25% and that of STs is 49.3% as against 37.46%

among general population in 1991. The high participation rate among SCs and STs is due to very high participation rate among SC women is 25.98% and among ST women is 43.71% as against 22.25% for the total population of the country. The female work participation rate among SCs and STs are much higher in Andhra Pradesh, (46.7% and 50.65%) than that of the All India for SCs and STs (25.98% and 43.71%) respectively. It is also to be noted that as per 1991 Census 77% of SC main workers and 90% of ST main workers depend on primary sector while only 67% of general workers depend on primary sector. More than 49% of SC main workers and about 33% of ST main workers reported as agricultural labourer as against only 26% among general workers[2].

In view of the dependency pattern of SCs and STs on agriculture, let us examine the changes in the agrarian structure and agrarian relations, in the context of agrarian reforms and agricultural growth with reference to Dalits.

Table I : Share of Scheduled Caste and Scheduled Tribe Households in Total Areas Owned and Landlessness among them (Rural)

		Social Group			All Households
Item	Year	SC	ST	Others	
1	2	3	4	5	6
1. Percentage of distribution of households	1982	19.7	9.7	70.6	100.0
	1992	21.5	11.2	67.4	100.0
2. Percentage of distribution of area owned	1982	7.9	10.1	82.0	100.0
	1992	10.2	11.8	78.0	100.0
3. Percentage of landless households (owning no land less than 0.02 ha)	1982	12.6	17.1	10.2	11.3
	1992	13.3	11.5	10.5	11.3
4. Percentage of semi-landless households	1982	48.0	16.3	24.9	28.6
	1992	47.5	22.3	27.4	35.2

Source: NSS Report No.399, (48th Round, Jan-Dec. 1992), 1997, p.33.

From Table I it follows that SC households constituted about 20% of the total rural households but control about 8% of the total area owned, while other households constitute about 70% of the total rural households but control 82% of the total area owned in 1982. By 1992 the percentage of SC rural households increased to more than 21% and their share in land also increased to 10% while the percentage of other households declined to 67% and their share in area declined to 78%. The position of ST households in terms of land ownership is better than that of SC households. In 1982, the ST households constituted 9.7 per cent of total rural households and control 10% of total area owned. By 1992 their households percentage increased to more than 11%, while their share in area owned increased to nearly 11%. However, the quality of land owned by ST households is inferior to that of land owned by others and their agricultural productivity is very low.

Landlessness among the Dalits and Others

It is also seen from Table I that landlessness is more prevalent among SC households. The percentage of landless and semi-landless households were 12.6% and 48% respectively, while the corresponding percentages among the other rural households were 10.2% and 24.9% in 1982. By 1992 the landlessness among SC households increased to 13.3% and semi-landlessness declined to 47.5%, while in the case of other households landlessness remained as same at 10.2% and semi-landlessness increased to 27.4%. The position of ST households is better in this respect also. Among ST households the percentage of landless households and semi-landless households were 17.1% and 16.3% respectively in 1982 and their position improved by 1992. The percentage of ST landless households declined to 16.3% while the percentage of semi-landless house holds increased to 22.3%. Thus, the percentage of Scheduled Caste households in terms of their access to land, deteriorated in 1980s despite higher agricultural growth rate of 3.2% per annum over the same decade. It is also to be noted that among SC cultivators, about 73% are marginal farmers while only 66% are marginal farmers among all social groups[3]. This clearly indicates that Dalits, particularly, Scheduled castes depended on agriculture mostly as agricultural labourers for their livelihood in 1992 also.

Now, let us examine the change in the occupational distribution of Dalits vis-a-vis general population in the context of agrarian reform and agricultural growth in the post-green revolution period.

Change in the occupational distribution of Dalits: The following Table II presents the changes in the occupational distribution during 1970-71 to 1990-91.

Table II : Occupational Distribution at all India Level

Category	Percentage in Total Main Workers of SCs			Percentage in Total Main Workers of STs			Percentage in Total Main Workers of General Population		
	1971	1981	1991	1971	1981	1991	1971	1981	1991
Cultivators	27.87	28.71	25.44	55.60	54.43	54.50	42.9	41.50	38.75
Agricultural Labourers	51.75	48.22	49.06	33.00	32.67	32.69	26.9	24.94	26.15
Non-farming Workers	20.38	23.61	25.41	9.40	12.90	12.81	30.2	33.48	35.10

Source: 1. Government of India, VII Five Year Plan (1987-1992), Vol.II, p.330.
2. Census of India, 1991, Series 1, Paper-I, Union Primary Census Abstract for Scheduled Castes/Scheduled Tribes.

It is evident from the Table II that during 1971 to 1981 there was an increase in the percentage of SC workers as cultivators from 27.87 to 28.17 while percentage of SC agricultural labourers declined from 51.75 to 48.22. In case of general workers the percentage of cultivators declined from 42.9 to 41.58. Percentage of agricultural labourers also declined from 26.9 to 24.94 during the same period. Regarding the non-farming workers it increased from 20.38% to 23.61% in case of general workers. Thus, there is some marginal improvement in the SC workers as cultivators and also as non-farming workers. This indicates some upward mobility of SC workers also. This may be attributed to redistribution of waste lands and surplus lands under 20-point Programme in 1970s. But during 1981 to 1991 the percentage of SC cultivators declined from 28.17 to 25.44, while there was an increase in the percentage of SC agricultural labourers from 48.22 to 49.06 indicating downward movement in the case of SC agricultural workers. Of course, in the case of workers of general population also percentage of cultivators declined from 41.58 to 38.75 while percentage of agricultural labourers increased from 24.94 to 26.15. However, percentage of non-farming workers increased from 33.48 to 35.10 per cent indicating the occupational shift. In case of STs, there was a decline in the percentage of cultivators and also in the percentage of agricultural labourers marginally while there was an increase in the non-agricultural activities from 9.4% to 12.9% during 1971 to 1981. During 1981 to 1991 their share as cultivators and of labourers almost remained same.

Thus, during 1971-1991 SC workers remained mostly as agricultural labourers although there was some changes in the composition of agricultural labour. That is, it was revealed from the village level studies that the percentage of attached labourers significantly declined and converted as casual labourers due to market forces unleashed by green revolution and state intervention in the form of anti-poverty programmes in the post green revolution period[4]. Many studies on poverty established that poverty has been concentrated among agricultural labour households.

Incidence of poverty among Dalits: The data on incidence of poverty among various social groups at all India level are presented in the Table III.

Table III : Incidence of Poverty Among Social Groups in percentages

Year	Total Population	Scheduled Castes	Scheduled Tribes
1977-78	51.2	64.6	72.4
1983-84	40.4	53.1	58.4
1987-88	33.4	44.7	52.6

Source: Government of India, VIII Five Year Plan, P.420.

It is evident from the Table III that although the incidence of poverty has declined during 1977-78 to 1987-88, the incidence of poverty among SCs (44.7%) and among STs (52.6%) is much higher than the incidence of poverty among general population (33.4%).

Table IV : Average Monthly Per Capita Consumer Expenditure by Social Groups Statewise Rural
[Value (Rs.) of total consumption per person for 30 days]

India/States	SC		ST		Others		All Household	
	83-84	87-88	83-84	87-88	83-84	87-88	83-84	87-88
A.P.	97.84	132.32	94.29	120.79	121.83	169.06	115.58	220.47
Assam	111.07	166.00	108.80	145.12	114.17	160.80	113.03	203.91
Bihar	76.02	114.54	80.68	122.98	99.49	141.96	93.76	150.85
Gujarat	103.47	144.01	87.50	131.73	131.04	172.52	119.25	210.45
Haryana	113.64	168.24	-	195.20	160.39	239.88	149.14	251.37
H.P	125.69	179.93	-	212.13	159.70	217.00	150.05	282.82
J & K	112.96	179.00	-	176.50	129.79	198.96	128.11	282.64
Karnataka	94.61	112.07	87.84	130.84	125.14	159.45	118.12	228.81
Kerala	105.07	163.39	-	186.69	150.74	215.53	145.24	317.08
M.P	87.47	124.98	79.43	106.49	119.02	159.66	101.78	181.39
Maharashtra	93.60	130.80	90.01	129.78	116.75	168.36	110.98	231.62
Manipur	-	-	122.28	167.58	137.97	192.66	131.45	187.32
Meghalaya	-	202.15	-	167.51	-	192.10	-	222.22
Nagaland	-	-	-	-	-	-	-	-
Orissa	87.30	117.63	72.73	93.72	110.63	144.96	97.48	185.00
Punjab	132.05	178.91	-	-	186.30	273.58	170.30	270.30
Rajasthan	110.17	160.01	90.11	125.26	140.01	190.08	127.52	208.93
Sikkim	-	145.57	-	152.82	-	159.78	-	206.51
Tamil Nadu	87.53	118.13	-	151.95	119.74	169.50	112.19	239.43
Tripura	-	158.55	-	155.01	-	205.09	-	232.56
U.P.	88.57	124.72	-	132.90	108.82	158.33	104.25	193.36
West Bengal	94.99	137.28	85.29	127.18	110.95	161.43	104.60	208.05
Andaman & Nicobar	151.45	-	146.07	252.44	159.56	265.59	156.75	339.28
Arunachal Pradesh	-	-	-	202.12	-	184.94	-	222.47
Chandigarh	116.60	-	-	-	220.77	274.01	199.41	-
Dadra & Nagar Haveli	-	-	82.36	111.73	179.81	204.56	93.33	220.32
Delhi	22.85	-	129.09	-	208.02	369.59	208.81	368.70
Goa, Daman & Diu	-	-	124.12	159.94	172.37	188.40	169.12	224.90
Lakshadweep	-	-	-	232.02	-	-	-	-
Mizoram	-	216.30	119.21	243.21	131.17	204.63	119.81	268.62
Pandicherry	69.80	127.24	-	-	109.62	199.46	96.02	240.79
All India	94.31	133.36	87.15	123.04	120.42	169.23	112.31	213.71

Source: Sarveksha, Vol. XVII, No.2, Oct-Dec., 1993, Issue No.57.
Sarveksha, Vol. XII, No.3, Jan-March, 1989, Issue No.38.

From the Table IV it follows that there has been an increase in the per capita consumer expenditure by all social groups in rural areas at all India level during 1983-84 to 1987-88. It is also to be noted that agriculture registered higher growth rate of 3.2% during 1980s. However, there was significant gap between per capita consumption expenditure of SCs/STs and others. The per capita consumption expenditure of SCs was 78.3% of that of others and consumption of STs was 72.4% of that of others in 1983-84 and the gap remained about same in 1987-88 despite significant increase in agricultural growth rate during the same period. It is also to be noted from the Table IV that the per capita consumption expenditure per 30 days of SCs/STs was better in agricultural advanced states like Bihar and Madhya Pradesh. However, the gap between per capita consumption expenditure of SCs/STs and others in advanced states like Punjab and Haryana than in agriculturally backward states like Bihar and Madhya Pradesh. In 1983-84 and 80.7% in 1987-88 in Bihar. In Haryana per capita consumption for SCs was 70.9% of that of others in 1983-84 and 70% in 1987-88 while in Madhya Pradesh it was 73.5% in 1983-84 and 78.3% in 1987-88. That is, the gap is not only higher in technologically advanced states than in technologically backward states, the gap has been widening in states. It clearly indicates that the benefits of agricultural growth due to new technology, largely benefitted the upper strata and the lower strata did not get any significant benefit as they were happened to be mostly agricultural labourers.

One important reason for high incidence of poverty among Dalits particularly Scheduled Castes is high incidence of landlessness and their heavy dependence on agriculture as agricultural labourers. This is due to the failure of the land reform in Indian agriculture in reducing the inequalities in the distribution of land. Of course, land reform was successful to the extent of abolishing intermediary land tenures and reducing incidence of tenancy. But it did not benefit agricultural labourers and other weaker sections. Land passed into the hands of dominant peasant communities (owner-cultivator class) from old Zamindars (rentier class) but land concentration persists.

Land Reform and Agrarian Structure: The Post-Independence Period

Abolition of intermediary land tenure system was given top priority immediately after the Independence as this system was known for its exploitation of tenants. In this system by fixing abnormal rents arbitrarily Zamindars used to extract surplus from the peasants. As they were required to pay only fixed amount in the form of land tax to the government, the rest they used for their extravaganza. They never showed interest in the development of land. Tenants also did not have any incentive to develop land for the reason that they have no control over the piece of land cultivated by them for any stipulated period as it can be taken away by Zamindar at any point of time and lease it out to other persons without showing any reason. Secondly, even if a tenant produces more, it was quite likely that it might be appropriated by Zamindar by collecting high rent in the absence of any rent regulation. On the eve of Independence about 173 million acres out of 324 million acres of cultivable land were under intermediary tenure. Therefore, it was felt that to protect the interests of the tillers of land, to raise the productivity with equity in the agriculture, the abolition of intermediary land tenure system was a necessary condition. Accordingly, Intermediary Land Tenure Abolition Act was promulgated. Zamindars resisted initially by moving to the courts. Government could overcome their resistance through necessary Constitutional Amendment in early 1951. This tenure was totally abolished acquiring Zamindars' rights by paying compensation not only to the ownership of land but also of forests, fisheries and minerals[5]. It should also be noted in this connection that even during the time of national movement for independence, the need for abolishing intermediary land tenure system was strongly felt. Although Zamindars were economically powerful, they were politically weak. More over they were away from people and land as they were mostly living in urban areas and enjoying their wealth. These factors helped government to overcome the resistance posed by Zamindars in abolishing intermediary tenure. On the eve of Independence more than 40% of the cultivated land was under the control of Zamindars and cultivated by tenants. This higher degree of tenancy indicates the degree of feudalism in Indian agriculture on the eve of Independence. It should also be noted that the total food production was 48 million tones and population was about 363 millions[6] in 1950-51. About 20 million farmers were conferred on ownership rights at national level after the abolition of the Zamindari system and to this extent it is definitely a desirable change as land passed from rentier claims, which was an absentee landlord class, to owner cultivator class. However, Zamindari abolition has some negative aspects from the point of national development. Firstly, lot of money (Rs.534 crores) had to be paid in the form of compensation to the erstwhile Zamindars at the rate of about Rs.30/- per acre on average. It varied from Rs.15/- per acre in Madras composite State to about Rs.45/- in Bihar. Secondly, large chunk of land could be retained by Zamindars by claiming as land under personal cultivation and thirdly, ownership rights were conferred not to the actual cultivators but to the statutory tenants, that is, persons whose names were recorded as tenants although these tenants had chain of sub-tenants who were actual tillers and belonged to vulnerable sections of society[7]. As a result many actual tillers who were small and marginal tenants and who belonged to lower sections of the society could not gain from the abolition of intermediate land tenure. It could help the tenants who themselves were intermediaries with already some socio-economic base. However, the abolition of intermediary tenure was desirable and successful in removing tenures which were highly inequitable and oppressive and there was an improvement in agrarian relations to this extent.

In Fifties and Sixties land ceiling acts limiting the size of the farm holdings were also promulgated by various states to reduce the inequalities in Indian agriculture. Indian agriculture had also been exposed to new technology from mid-Sixties. New technology refers to use of high yielding varieties of seeds, application of pesticides, chemical fertilizers, and mechanization of agricultural operations. States like Punjab, Haryana, some parts of Andhra Pradesh, Tamil Nadu, Uttar Pradesh, where there was an assured source of irrigation, adapted new technology as it requires continuous irrigation facilities. About 25% of the operated area in the country was irrigated in 1981-82 and it increased to 35% in 1991-92 agricultural year. That is, only 35% of operated areas was affected by Green Revolution in 1991-92. In the post-Green Revolution there was a tremendous increase in the agricultural production particularly in the food production. Food production which was 82 million tones in 1960-61 raised to 108.4 million tones in 1970-71 and further raised to 129.4 million tones in 1980-81. It raised to 176.4 million tones in 1990-91 and further increased to 192 million tones[8] in 1996-97. This increase was mostly due to intensive cultivation of the area exposed to new technology. But the benefits of the Green Revolution have been mostly cornered by rich farmers as the incomes of the large holdings increased more than proportionately with the increase in the farm size due to their greater access to modern farm inputs. On the other hand, marginal and small farmers who did not have access to modern farm inputs were forced to settle for lower incomes. Under substance farming also traditionally large land owners have appropriated higher incomes in the form of rents while the large mass of share croppers and agricultural labourers have received incomes which have kept them at a level of subsistence. Thus, size of the income by and large in rural areas closely related to the amount of land owned or controlled. It was also evident that in the agriculturally advanced regions the money wages increased substantially. The incidence of poverty was very low in States like Punjab (13.20) and Haryana (16.64) where Green Revolution was pervasive while incidence of poverty was at very high level in agriculturally backward States like Bihar (52.13%) and Orissa (55.58) in 1987.88[9]. Thus, there was an inverse relationship between agricultural growth and incidence of poverty. There was also increase in the casualisation of labour in post-Green Revolution period at all India level.

Wage employed at a percentage of total workers as in 1983 was close to 40%. The percentage of casual labour in total rural wage labour (males) was more than 72% in 1983[10]. The level of real wages was found to be higher in the technologically leading States compared to technologically backward States in the post-Green Revolution period. Thus, higher level of wages was maintained because of technology and high growth rates of production sustained over long period. However, while real wages were increasing at all India level particularly, since mid-Seventies, the growth or real wages was found to be almost stagnant in Punjab and Haryana due to the fact that the wages have raised at faster rate in these states during the first phase of the Green Revolution. In the technologically advanced states there was an increase in employment despite lower elasticity of employment due to faster growth of allied occupations, and off-farm employment and shift to labour-intensive crops and crop-intensity in the first phase of Green Revolution[11]. However, the income gap between poor and rich has widened in the agriculturally advanced regions. The per capita farm business income moved hand-in-hand with per capita land area in technologically advanced state like Punjab for 1974-75[12].

Social conflicts are also observed in the technologically advanced States as well as in backward States. Social conflicts found to be sharper due to high degree of proletarianisation and casualisation in the context of growing demographic and immeserisation[13]. And the existing inequalities in the distribution of land was also found to be an important factor in rural India despite high agricultural growth in the post-Independence period particularly, in the post-Green Revolution period.

Land Distribution Pattern

Let us examine change in the land distribution pattern of operational holdings in the context of agrarian reform in the post-Independence period. The Table V presents the changing land distribution pattern during 1960-61 to 1991-92 with respect to operational holdings and operated area at all India level.

It could be seen from Table V that the marginal holdings constitute 38.1% of the total holdings but control only 6.9% of the total operated area in 1960-61. Small holdings constitute 22.6% of the total holdings but control only 12.3% of the total operated area. Marginal and small holdings together constitute nearly 62% of the total holdings but control only about 19% of the total operated area in 1960-61. On the other hand, medium and large holdings together constitute about less than 20% of the total holdings but control more than 60% of the total operated area during the same period. This indicates that the distribution of land was skewed during 1960-

Table V : Changes in the Size Distribution of Operational Holdings and Area Operated at all India (Rural) Level

Category of holdings	Percentage distribution of operational holdings and operated area							
	1960-61 (17th)		1970-71 (26th)		1981-82 (37th)		1991-92 (48th)	
	Nos.	Area	Nos.	Area	Nos.	Area	Nos.	Area
Marginal (less than 0.01 ha)	39.1	6.9	45.8	9.2	56.0	11.5	62.8	15.6
Small (1.01-2.00 ha)	22.6	12.3	22.4	14.8	19.3	16.6	17.8	18.7
Semi-medium (2.01-4.00 ha)	19.8	20.7	17.7	22.6	14.2	23.6	12.0	24.1
Medium (4.01-10.00 ha)	14.0	31.2	11.1	30.5	8.6	30.1	6.1	26.4
Large (larger than 10.00 ha)	4.5	29.0	3.1	23.0	1.9	18.2	1.3	15.2
All sizes	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: NSS Report No. 407, (48th Round) 1995, p.20.

61. By 1991-92 there was a tremendous increase in the number of marginal holdings. Their percentage share in total holding increased to about 63% but area operated under their control increased to only about 15% of the total operated area. On the other hand, the number of medium and large holdings declined to about 7% of total holdings but controlled nearly 42% of the total area. If we take large holdings alone their share is only 1.3% of the total holdings but control more than 15% of a total operated area in 1990-91. This clearly indicates that although number of marginal holdings increased from 39% to 63% but the operated area under their control was only 15% of total operated area in 1991-92. This implies that in the post-Independent period inequalities in the distribution of land has increased despite land reform. The increase in the marginal holdings may be attributed to population explosion and also to redistribution of small pieces of surplus land/waste land to weaker section.

But medium and large farmers could retain large size of holdings as land reforms were not properly implemented. Although intermediate land tenure system could be effectively removed through Zamindari abolition, equity in the agrarian structure could not be achieved. This is for the reason that land has passed hands, that is from old absentee landlord (rentier) class to dominant peasant class, which is owner cultivator class but land concentration persists. Many micro studies indicated this change in rural India at village level[14].

Gini's coefficients for operational and ownership holdings (rural) at all India level By NSSO for different years are presented in the Table VI.

Table - VI

Year	Operational Holdings	Ownership Holdings
1960-61	0.583	0.731
1970-71	0.586	0.709
1980-81	0.629	0.712
1990-91	0.641	0.710

Source: NSS Report No.407, (48th Round, Jan-Dec. 1992), 1995, p.22.

Gini's Coefficient increased from 0.583 in 1960-61 to 0.629 in 1980-81 and further increased to 0.641 in 1991-92 in case of operational holdings. In case of ownership holdings also Gini's concentration ratio remained high, that is, 0.710 even in 1991-92. Trends in the concentration of operational area could be clearly seen from the Table VII.

Table VII : Trend in Concentration of Operated Area at all India Level (Rural)

Group of Operational Holdings	Percentage Share in Total Operated Area			
	1961-62 (17th)	1971-72 (26th)	1981-82 (37th)	1991-92 (48th)
Bottom 30%	4.6	4.4	2.2	3.0
Bottom 60%	18.3	18.6	14.9	14.2
Top 10%	46.0	45.0	47.2	47.6
Top 5%	30.5	30.6	32.4	33.6

Source: NSS Report No.407, (48th Round, Jan-Dec.1992), 1995, p.22.

It could be clearly seen from Table VII that the share of the bottom 30% of holdings in operated area has declined from 4.6% in 1960-61 to 3.0% in 1990-91 while the share of the top 5% of holdings increased from 30.5% to 33.6% during the same period. Thus, inequality in the distribution of operational holdings has been increasing at all India level in the post-Independence period particularly, from 1960-61 to 1991-92 indicating the failure of land reform in Indian agriculture. The distribution pattern of operational holdings at state, also continued to be in all the major states.

Changes in Size Distribution: Inter-State Comparison

The Table VIII presents the size distribution of operational holdings and area operated in 15 major States. It is found from the Table V that there has been a rise in the percentage of marginal holdings and a decline in percentage of holdings in the semi medium category towards during 1970-71 to 1991-92. Some amount of inter-State variation could be observed with reference to small holdings. The percentage of small holdings increased since 1970-71 in Madhya Pradesh. In Punjab and Haryana also the proportion of small holdings raised during eighties after having declined in the preceding decade. Gini's coefficients of operational holdings, which increased significantly in the country during 1970-71 to 1991-92, show varying trends over the states.

In 10 of the 15 major states there has been an upward trend in the concentration ratio since 1970-71. The rise was more pronounced for the most agriculturally advanced states of Punjab and Haryana (Table IX). In Punjab the ratio increased sharply from 0.418 in 1970-71 to 0.702 in 1981 and followed by a small rise in the next decade. In Haryana it raised from 0.464 in 1970-71 to 0.675 in 1990-91. In these two states concentration ratio was much higher than the national concentration ratio of O.641. In Assam, Kerala, Orissa and West Bengal, the Gini's Coefficient increased during 1970-71 to 1981-82 but declined marginally in the next decade. Only major State not registering a rise in Gini's Coefficient during the last two decades was Andhra Pradesh. However, Andhra Pradesh was found to be 0.72 higher than national concentration ratio of 0.71 in 1992[15].

Table VIII : Changes in Percentage Distribution of Operational Holdings and Area Operated by Size Categories of Operational Holdings in 15 Major States (Rural)

State	Year	Marginal		Small		Semi-medium		Medium		Large	
		Number	Area	Number	Area	Number	Area	Number	Area	Number	Area
Andhra Pradesh	91-92	59.27	17.54	21.38	23.34	13.16	26.23	5.38	23.49	0.81	9.40
	81-82	48.64	10.25	22.15	15.37	15.51	21.08	10.80	30.20	2.92	23.10
	70-71	47.29	9.28	19.14	11.74	10.23	21.91	11.87	31.32	3.47	25.75
Assam	91-92	70.78	34.24	19.99	31.22	7.53	22.92	1.51	9.07	0.19	2.55
	81-82	61.57	22.12	24.32	33.51	11.32	29.34	3.68	13.65	0.10	1.38
	70-71	52.40	21.64	30.23	34.90	14.30	30.54	2.99	12.20	0.08	0.22
Bihar	91-92	76.76	29.01	13.68	25.14	6.86	23.69	2.48	18.24	0.22	3.92
	81-82	68.70	22.41	17.61	25.85	9.90	27.08	3.38	18.79	0.41	5.87
	70-71	58.86	18.14	23.32	26.22	12.85	28.92	4.52	21.01	0.45	5.71
Gujarat	91-92	47.90	8.49	19.35	13.79	17.69	24.92	12.06	35.02	2.49	11.16
	81-82	38.63	6.53	20.30	11.31	21.30	22.42	15.82	38.60	3.87	21.14
	70-71	27.19	3.90	20.70	5.55	22.34	17.41	21.64	35.95	8.23	31.15
Hariyana	91-92	50.73	5.32	13.60	6.81	20.32	25.54	11.49	29.38	3.96	30.95
	81-82	42.22	3.74	12.74	7.28	22.88	25.56	18.81	45.57	3.35	17.85
	70-71	17.48	2.53	17.54	6.54	28.30	19.86	31.06	49.24	5.62	21.83
Karnataka	91-92	49.71	9.56	20.26	15.41	17.90	25.21	9.77	30.78	2.28	19.00
	81-82	38.40	5.80	22.53	13.10	22.18	24.14	13.24	32.74	3.65	24.14
	70-71	28.76	5.10	22.81	10.69	25.44	22.97	17.53	34.29	5.40	26.95
Kerala	91-92	91.58	53.27	5.04	23.36	1.99	14.93	0.48	8.08	0.01	0.36
	81-82	88.94	45.45	7.28	24.09	12.89	18.47	10.82	10.06	0.07	2.93
	70-71	86.21	40.05	8.90	24.75	3.66	20.08	1.13	12.26	0.10	2.85

Madhya Pradesh	91-92	38.71	6.70	24.43	15.56	20.90	25.47	13.49	35.92	2.47	16.35
	81-82	32.94	4.67	22.51	12.31	23.12	24.18	17.85	38.60	3.58	20.24
	70-71	26.11	3.42	20.29	8.85	25.77	21.15	21.64	37.99	61.19	20.50
Maharashtra	91-92	43.69	6.66	18.92	11.77	20.38	24.67	14.07	36.59	3.04	20.30
	81-82	35.26	3.63	19.47	9.35	21.28	20.01	18.42	37.88	5.57	29.13
	70-71	23.71	3.06	21.74	8.38	23.44	17.59	22.44	35.29	8.67	35.68
Orissa	91-92	59.99	22.09	24.34	30.16	12.02	27.87	3.36	16.20	0.29	3.68
	81-82	54.45	17.02	26.11	25.48	14.08	26.16	4.63	17.84	0.73	12.50
	70-71	54.52	18.60	25.73	27.32	13.60	27.06	5.25	21.56	0.55	5.46
Punjab	91-92	63.22	6.20	11.42	10.74	13.85	26.72	9.82	40.55	1.69	15.79
	81-82	59.02	3.91	10.39	8.90	13.95	21.76	14.15	45.85	2.48	19.58
	70-71	11.71	1.45	19.06	7.09	32.70	24.28	32.51	45.05	6.02	22.12
Rajasthan	91-92	39.34	5.56	19.88	9.36	18.46	17.25	15.23	30.16	7.09	37.62
	81-82	30.53	3.55	17.48	6.98	52.09	17.08	22.50	36.50	7.40	35.89
	70-71	31.00	2.01	18.49	5.79	21.30	14.19	21.77	33.23	9.53	44.78
Tamil Nadu	91-92	77.17	28.94	14.14	28.06	6.62	24.72	1.80	13.22	0.27	5.03
	81-82	71.37	22.39	16.72	26.72	8.28	25.37	3.35	20.68	0.28	4.84
	70-71	60.06	21.93	21.25	22.73	13.17	27.32	4.93	21.72	0.58	6.30
Uttar Pradesh	91-92	68.01	24.96	18.52	26.31	9.85	26.30	3.33	18.18	0.29	4.25
	81-82	51.60	18.09	21.58	23.76	12.88	28.04	5.40	23.62	0.54	6.49
	70-71	49.78	15.64	26.92	25.30	16.45	29.76	6.20	23.33	0.65	5.97
West Bengal	91-92	80.69	39.98	13.43	30.69	5.00	22.06	0.88	7.27	0.00	0.00
	81-82	74.34	29.27	15.83	28.77	8.07	28.25	1.67	11.39	0.09	2.32
	70-71	61.21	24.80	22.60	28.92	12.94	31.06	2.98	14.58	0.07	6.54
India	91-92	62.79	15.60	17.79	18.70	11.99	24.13	6.10	26.37	1.33	15.20
	81-82	56.00	11.50	19.32	16.59	14.23	23.55	8.56	30.15	1.89	18.21
	70-71	45.77	9.21	22.28	14.80	17.66	72.52	11.11	30.49	3.08	22.95

Source: Same as for Table VII. Pp.23-24.

Table IX : Changes in Gini's Coefficient of Operational Holdings in 15 Major States

	Gini's Coefficient			Average Area (HA.)
State	70-71 (26th)	81-82 (37th)	91-92 (48th)	91-92
Andhra Pradesh	0.603	0.599	0.576	1.29
Assam	0.422	0.519	0.494	0.88
Bihar	0.566	0.606	0.637	0.75
Gujarat	0.540	0.558	0.604	1.99
Haryana	0.464	0.598	0.675	2.19
Karnataka	0.527	0.581	0.609	1.85
Kerala	0.647	0.649	0.636	0.35
Madhya Pradesh	0.533	0.535	0.558	2.24
Maharashtra	0.526	0.571	0.598	2.25
Orissa	0.501	0.526	0.511	1.13
Punjab	0.418	0.702	0.730	1.46
Rajasthan	0.564	0.604	0.613	3.08
Tamil Nadu	0.516	0.640	0.646	0.71
Uttar Pradesh	0.495	0.565	0.572	1.01
West Bengal	0.490	0.597	0.585	0.60
India	0.586	0.629	0.641	1.34

Note: The concentration ratios for 1970-71 and 1981-82 are taken from "Temporal and regional variations in the agrarian structure in India", by T.Haque, Indian Journal of Agricultural Economics, July-Sept. 1987, Vol.42, No.3CN (NSS Report No.407, 1995).

Source: Same as for Table III, p. 26.

Growth of Landless and Semi-landless Households

While inequality in the distribution of land was persisting in case of owned land and increasing in case of operational holdings, at all India level and also in different states, the landlessness and semi-landlessness have been growing.

Table X : Changes in Proportion of Landless and Semi-landless Households and in the Concentration Ratio (Gini's Coefficient) (Rural)

State	Percentage of landless Households			Percentage of Landless and semi-landless Households			Concentration Ratio		
	71-72	1982	1992	71-72	1982	1992	71-72	1982	1992
Andhra Pradesh	7.0	11.9	11.9	38.7	42.0	45.8	0.73	0.74	0.72
Assam	25.0	7.5	13.4	38.8	30.7	33.5	0.62	0.56	0.57
Bihar	4.3	4.1	8.6	43.9	44.0	47.9	0.72	0.68	0.70
Gujarat	13.4	16.8	16.3	34.4	36.8	41.2	0.68	0.69	0.71
Haryana	11.9	6.1	3.7	51.9	43.7	41.2	0.75	0.70	0.68
Himachal Pradesh	4.4	7.7	10.4	16.9	19.4	26.9	0.55	0.54	0.60
Jammu & Kashmir	1.0	6.8	2.8	11.9	22.6	21.3	0.42	0.52	0.51
Karnataka	12.5	13.7	10.0	32.4	35.1	32.0	0.66	0.68	0.66
Kerala	15.7	12.8	8.4	59.1	61.0	65.0	0.70	0.68	0.69
Madhya Pradesh	9.6	14.4	15.2	25.6	31.0	30.8	0.62	0.65	0.65
Maharashtra	10.4	21.2	19.6	32.9	39.0	41.7	0.68	0.70	0.71
Orissa	10.6	7.7	13.8	36.1	33.0	40.8	0.64	0.61	0.66
Punjab	7.1	6.4	5.9	57.9	55.8	56.7	0.78	0.77	0.77
Rajasthan	2.9	8.1	6.4	12.8	18.7	21.0	0.60	0.62	0.65
Tamil Nadu	17.0	19.1	17.9	52.3	58.4	63.4	0.75	0.76	0.75
Uttar Pradesh	4.6	4.9	4.9	32.7	30.9	34.6	0.63	0.60	0.63
West Bengal	9.8	16.2	11.0	47.1	49.6	53.4	0.67	0.63	0.68
All India	9.6	11.3	11.3	37.4	39.9	42.4	0.71	0.71	0.71

N.B.: The figures of cols (8) & (9) are taken from a paper entitled "Temporal and regional variations in the agrarian structure in India", by T.Haque, appearing in Indian Journal of Agricultural Economics, July-Sept., 1997, Vol.42, 3CN.

Source: NSS Report No. 399, 1997, p.23.

From the Table X it follows that the proportion of landless rural households increased from 9.6% to 11.7.% during 1971-72 to 1992 at all India level. The proportion of landless households remained same by and large during the latter decade. Most of the states which showed an upward trend in concentration ratio in ownership of land have also reported a sharp rise in the proportion of landless households between 1971-72 to 1992. It is also revealed that the proportion of landless and semi-landless households taken together has raised from 37% to 42% at the national level during the last two decades. In case of Andhra Pradesh landless households increased from 7% in 1971-72 to 11.9% in 1982 and concentration ratio increased from 0.73 to 0.74 during the same period. However, proportion of landless households remained same at 11.9% during 1982 to 1992 and concentration ratio declined from 0.74 to 0.72, while the national concentration ratio remained unchanged at 0.71 during the last two decades. Proportion of semi-landless households in Andhra Pradesh increased from 38.7% in 1971-72 to 45.8% in 1992.

Another important reason for high incidence of poverty among Dalits is high rate of unemployment compared to others. The following table presents the details.

Table XI : Number of Persons "Usually Unemployed' for 1000 Persons (WPR) by Sex and Principal Status of Each Household Groups (Rural)

Year	Scheduled Tribes		Scheduled Castes		Others	
	Unemployed		Unemployed		Unemployed	
	Male	Female	Male	Female	Male	Female
1987-88	8 (8.60)	8 (20.00)	13 (12.71)	14 (38.22)	17 (6.09)	8 (10.3)
1983	4 (4.30)	2 (5.00)	10 (9.78)	4 (10.92)	13 (4.66)	4 (5.15)
1977-78	4 (4.30)	10 (25.00)	11 (10.76)	22 (60.06)	14 (5.02)	13 (16.74)

Source: Sarvekshana, Oct.-Dec., 1991, Vol XV, No/12, Issue No.49, (Pp.58 & 59). Figures in brackets refer to percentage.

Note: "WPR" - Work Participation Rates (Percentage of persons, employed to total persons)

It can be seen from Table XI that the rural unemployment measured in terms of number of persons usually unemployed per 1000 found to be higher among SC males (12.71%) than among the other males (6.09%) in 1987-88. The same category of unemployment rate increased from 10.76% in 1977-78 to 12.71% in 1987-88 because of SC males while it has increased marginally from 5.02% to 5.09% in the case of other males during the same period. In case of ST males also unemployment rate has raised from 4.30% to 8% during 1977-78 to 1987-88 at all India level.

It is also to be noted that the growth rate in the real wages of unskilled agricultural labourers remained stagnant at all India level in the second phase of green revolution contributing to incidence of poverty among agricultural labourers[16].

Thus Dalits' position, particularly SCs mostly remained as agricultural labourers heavily depending on landlords for their livelihood even after 50 years of Independence without any land base. Incidence of poverty is found to be higher among Dalits than others. These poorer groups, particularly dalit agricultural labourers are often subject to atrocities committed by land owning castes.

Atrocities on Dalits

As per the report of the Commission of SC/STs there are three main reasons for atrocities on them viz., (1) unresolved land disputes related to allotment of government land or distribution of surplus land to the landless SC/ST families; (2) tensions and bitterness created on account of non-payment or underpayment of minimum wages prescribed by state Governments and (3) resentment against manifestation of awareness among the Scheduled Tribes about their rights and privileges as enshrined in the Constitution and various legislative and executive measures. Despite these measures, there was a steady rise in the number of cases of murder and rape of the members of Scheduled Castes/Scheduled Tribes from 1981 to 1986[17].

The disputes over wages and occupation of land have been at the root of recurrent killings of Dalits when Dalits try to take the possession of the land allotted to them by the government and when Dalit agricultural workers insist on the payment of minimum wages as fixed by the government[18]. As explained above the inequalities in the distribution of land is persisting due to the failure of land reforms in India and this inequitous agrarian structure gives to tension between different classes leading to atrocities on Dalits. And atrocities are being committed against these SC/ST groups by others, particularly, land owning castes. There was a steady increase in the atrocities against SC/ST during 1981-1986.

Land is the prime asset in rural areas that determines an individual's standard of living and social status. Lack of access to land makes Dalits economically vulnerable. "The caste system is an economic order. It prevents some one from owning land or receiving education. It is vicious cycle and an exploitative economic arrangement. Land owning patterns and being high-caste member are coterminous. Also there is a nexus between (being) lower-caste and landlessness . . . . Caste is a tool to perpetuate exploitative economic arrangements"[20].

In the late 1980 in Chenganambati village in Madurai district, Tamil Nadu, 95 acres of idle land belonging to a temple under the Hindu Religious Endowment Act were auctioned and sold to villagers for cultivation. At the time, some 5,00,000 acres of such idle land existed in Tamil Nadu. Caste Hindus did not allow Dalits to take part in the auction. In 1989 Dalits began demanding participation and, in 1992, finally succeeded in entering the auction. Caste Hindus protested and appealed to the Commissioner of the Hindu Religious Endownment Act. The Commissioner decreed that the lands, one bought at auction belonged to the Dalits. One month later, and in broad daylight, one hundred members of the kallar community, an upper-caste group, invaded and destroyed nine acres of paddy (rice) fields belonging to Dalits. In subsequent attacks, the Kallars murdered two Dalit men and assaulted three women, who sustained head injuries. Between 1994 and 1999, a total of 98,349 police cases of crimes and atrocities against scheduled castes in India were registered. Of these 38,483 were registered under the Atrocities Act. A further 1,660 were for murder, 2,184 for rape and 13,671 for hurt[21].

It is also to be noted that in backward states like Bihar, atrocities against Dalits have been increasing in recent times and most of them are connected with land and minimum wages. Bihar has the highest number of very large holders and one of the largest landless population among all Indian States. "Disparities in socio-economic hierarchy, run alongside the caste hierarchy throughout Bihar although the degree of relationship may differ in some districts. Scheduled Castes invariably fall in the lowest category both socially and economically"[22].

Various upper caste private senas began to emerge in Bihar with the reported aim of containing Naxalite groups and protecting land belonging to upper castes. On September 27, 1991 the Bhumihar dominated Savarna Liberation Front came into existence in 1990 was responsible for many massacres of Dalits in 1990s. On September 27, 1991 the Sena beheaded seven Dalit and tribal labourers in Swanibigha village in Jehnabad district. Soon thereafter strongmen hired by landlords of Teendiha village in Gaya district beheaded nine labourers for their refusal to work as farmhands for paltry wages [23]. On December 1, 1997 in the village of Laxmanpur Bathe, Jehanabad district, the Ranvir Sena, a militia of upper caste landlords shot dead sixty one Dalits, of which sixteen were children, twenty seven women and eighteen men. Five teenage girls were raped and mutilated before being shot in the chest. The villagers were reportedly sympathetic to a Marxist-Leninist (Naxalite) group that has been demanding more equitable land distribution in the area[24]. The Ranvir Sena has been responsible for the massacre of more than 400 Dalits in Bihar between 1995 and 1999[25]. The cases in Tamil Nadu and Bihar illustrated above clearly indicate linkages between Caste, land and labour and social tensions in rural areas resulting in the violation of constitutionally guaranteed human rights of Dalits who are mostly landless agricultural labourers.

The iniquitous distribution pattern of land and associated feudalism was mostly responsible for frequent physical attacks on dalits (agricultural labourers) in rural India. To remove those inequalities and resolve the problem of social tensions and violation of human rights strict implementation of land reform and redistribution of land among Dalit agricultural labourers is highly warranted. State intervention in the form of protecting Dalits' rights, strict implementation of legislative measures and anti-poverty programmes should also be strengthened. State should expand educational facilities to agricultural workers particularly to landless dalit agricultural labourers to improve their skills so that they need not depend on landlord for their livelihood and they will be in a position to shift to non-farm employment. The problems of social tensions and violation of human rights recur as long as agrarian structure remains iniquitous in the rural economy and agricultural labourers continue to depend on landlords for their livelihood.

REFERENCES

1. Government of Maharashtra. 1990. Dr. Ambedkar Speeches, Vol. No.5, p.94.
2. Registrar General and Census Commissioner. 1993. Indian Union Primary Census Abstract for Scheduled Castes and Scheduled Tribes, Paper - I, Pp.1-10.
3. NSS Report No. 39, 1997, p.35.
4. Nancharaiah, G. 1990. "The Position of Scheduled Castes on Agricultural Labourers in the Labour Marker", *Social Action*, Vol.40, No.2, April-June, p.182.
5. Dantawala, M.L. 1986. "Agrarian Structure and Agrarian Relations in India" in Dantawala M.L. and others (ed). *Indian Agricultural Development Since Independence*, Pp.73-74.
6. Government of India. *Economic Survey* 1996-97, Pp.24-25.
7. Dantawala M.L. Opp. Cir., p.74.
8. Government of India. *Economic Survey* 1996-97, p.141.
9. Hashim, S.R. 1997. "Indian Poverty and the Poverty Alleviation Programmes - An Overview", paper read in the National Workshop on "Planning and Management of Development Projects for SC/ST and OBC", NIRD, Hyderabad, Nov.24-29, p.21.
10. Parthasarathy, G. 1991. "HYV Technology: The Polarisation and Immeserisation Controversy", *Economic and Political Weekly*, June 29, p.71.
11. Ibid, p.73.
12. Ibid, p.74.
13. Ibid, p.76.
14. Nancharaiah, G. 1988. *Land and Caste*, Bombay: Himalaya Publishing House, p.82.
15. NSS Report No. 399, 1997, p.23.
16. Jeemol Unni: 1997. "Employment and Wages Among Rural Labour: Some Present Trends", *Indian Journal of Agricultural Economics*, Vol.52, No.1, January-March, p.69.

17. Government of India. Report of the Commissioner for SCs and STs (1986-87) Pp.238-240.
18. Ibid. Pp.281-288.
19. Human Rights Watch. 1999. Broken People: Caste Violence Against India's "Untouchables", New York, March, p.28.
20. Ibid. p.27.
21. Ibid. p.41.
22. Ibid. Pp.42-43.
23. Ibid. p.48.
24. Ibid. p.49.
25. Ibid. p.49.

Human Rights Education and Vulnerable Groups

Joseph Gathia

"All humanity is one undivided and indivisible family, and each one of us is responsible for the misdeeds of all the others". ***– Mahatma Gandhi, 1939.***

I

Introduction

Do you remember that case of Orissa? It was in July 1985 that Phanas Punji of village Amlapali in Kalahandi district of Orissa shot to limelight. Reason? Phanas, a thirty-year-old woman sold her fourteen-year old sister-in-law, Baniyta Pubji to the 'nearly blind' Bidya Podh. He paid Rs.40 to 'buy' Baniyta to use her as a 'domestic servant'. Phanas explained that her own two children were starving so she had no other way but to sale the sister-in-law whom she could not feed.

'The sale of children' in parts of Western Orissa has since become common practice. Huge development funds have poured in during the last fifteen years but women like Phanas have lost more land to moneylenders. Baniyta is still with the 'blind' old man and they have three children – all malnourished.

Many people from the area migrate to Raipur in Madhya Pradesh, where they pull rickshaws or they go to Mumbai where they toil at construction sites. The frightening level of joblessness in Kalahandi is alarming. The flesh trade – sending women to Raipur brothels – is thriving.

The development projects meant to help Kalahandi people have failed to change the situation. Here and there some positive interventions are 'visible', but are they preventing another Baniyta being sold? Kalahandi is often described as drought prone area. But is the drought the real reason or is it massive violations of civil political and economic rights of the vulnerable groups at the heart of problem? Let us examine.

The lowest rainfall Kalahandi has had in the past twenty years is 978 mm. That is above what some districts in India get in 'normal' years. Kalahandi's annual rainfall has been on an average 1250 mm. In 1990-91 the district recorded rainfall of 2247 mm. It did not reduce the problems. So, may be, the poor rainfall is not the problem. In fact, Kalahandi has remained a food surplus district all these years. Despite reports that there was a monumental crop failure Kalahandi produces food, per person, more than both Orissa and India do. But its own inhabitants consume only 25 per cent of that food. The rest goes out of the region through networks of merchants-cum- moneylenders. Per capita production of food for all India was 203 Kg per citizen in 1989-90. For Orissa with the largest percentage of people below the poverty line it was 253 Kg. In Kalahandi the same year, per capita production of food was 331 kg. That beats the state and national average. Even then people suffer from acute hunger. And parents do abandon children because there is not enough to survive on.

Many factors are responsible for the situation in Kalahandi – deforestation, destruction of traditional irrigation system and flawed development strategies that hurt thousands. Also vicious usury that sees people in distress selling paddy at the cost less than half the official support price. And a land holding pattern with even growing alienation is another reason. These two need to be viewed in conjunction with the resultant sale of children. There are many

'Kalahandis' in India with vulnerable people living there. Was Baniyta's case a child sale? Or bride price? Which framework does Baniyta's case fall into? Could we not prevent such exploitation? Who are the vulnerable groups in our society? What action a person sitting in Delhi, Calcutta, Chennai, or Mumbai could take to restore the dignity of marginalised persons? It is this concern of citizens, which ought to be at the centre of the human rights education.

This paper draws upon the experiences of several projects – Uttar Pradesh, Rajasthan, Madhya Pradesh, Bihar, Orissa, Manipur, Tamil Nadu, Karnataka, Maharashtra, Gujarat and Andhra Pradesh, in discussing human rights education in the context of vulnerable groups. This is not a paper on how to design human rights education for vulnerable groups but an exploratory one to suggest what ought to be the issue of consideration while designing such education. The absence of human rights is more than a denial of human dignity; it is also at the root of the poverty and political violence that plague our contemporary world. A vast range of violations and vulnerable groups have been brought under the protective purview of human rights laws and standard setting. And the decision in June 1998 to create a permanent International Criminal Court was a giant step against genocide, war crimes and crimes against humanity, the most noxious and savage human rights offences known to humankind. At the same time, we are aware of the emerging challenges. Genocide has been committed twice in this decade alone. People around the world continue to be subjected to discrimination because of race, religion, gender or political belief.

Section II of the paper discusses the basic thrust of human rights education. Section III various categories of vulnerable groups. Section IV discuses the comprehensive approach to right to development, that is, the essence of human rights education in this context. The concluding Section V makes a few suggestions for strengthening the efforts in the field of human rights education in our country.

Foremost among vulnerable groups are children struggling for daily survival. Many of us have first hand experience in our own areas of the great plight of street children. We see them in our cities shining shoes or begging for a few coins. It is easy to run aside but not easy to ignore them, such are their numbers on city streets. Their very presence is, of course, a condemnation of our civil society and we should all try to understand why, despite all our wealth and our scientific and technological mastery, we have young children living in such conditions. Many of these children belong to uprooted families. In the last decades we have watched with alarm the swelling number of refugees and displaced people fleeing in search of a better and more secure life. Hundreds of thousands of others have been victims of mass expulsions carried out for economic or political reasons or rendered stateless by circumstances beyond their control. Two further groups of people deserve our attention. The first is tribal (indigenous) people and the other – scheduled castes, known now as Dalit. Minorities, migrant workers, women and children in difficult circumstances form bulk of vulnerable groups. Recent violences in Bihar, Orissa and Tripura, to name only the most horrible ones, remind us of growing religious intolerance in the country. There are grave dangers not only for the direct victims, but also for society as a whole, as intolerance, caste violence and discrimination engineer serious conflict and undermine growth and prosperity of the community.

II

Human Rights Education

We may start with an understanding of the concept of human rights. The principles of human rights were drawn up as a way of ensuring that the dignity of everybody is properly and equally respected, that is,. to ensure that a human being will be able to fully develop and use human qualities such as intelligence, talent and conscience and satisfy his or her spiritual and other needs. Human rights and dignity are values to be cherished; enable us to respect each other.

The denial of human rights and fundamental freedoms is not only an individual and personal tragedy, but this also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations.

Human rights have been set out as principles in the Universal Declaration of Human Rights 1948. A declaration is not legally binding. It lays down principles and objective and carries moral weight. However, a large number of laws and legal documents are based on the principles set forth by the Universal Declaration. Many countries have cited the declaration or included its provisions in their basic laws or constitutions. Many human rights covenants, conventions and treaties concluded since 1948 have been built on its principles.

A covenant, convention or treaty, unlike a declaration, has the force of law. Those who sign the document, called the signatories, have not only a moral obligation but also a legal obligation to respect its terms. A covenant, convention or treaty is signed by states. Once it is signed, it must be ratified by the signatories. Which means that the treaty must be accepted by the country's own parliament or equivalent legislative body. Then it becomes a law.

One of the achievements of the United Nations is the creation of a comprehensive body of human rights legislations. The broadest legally binding human rights agreements negotiated under UN auspices are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

There are six committees within the UN system that try to check and see whether countries comply with the human rights treaties they have signed. These are called treaty-monitoring bodies.

These are: The Committee on the Elimination of Racial Discrimination; The Human Rights Committee; The Committee on Economic, Social and Cultural Rights; The Committee against Torture; The Committee on the Elimination of Discrimination against Women; The Committee on the Rights of the Child. The committees may call upon governments to respond to allegations and may take decision and publish them along with criticisms or recommendations. Over the years, the United Nations has developed different methods to investigate human rights abuses and to press for remedial action. Special Rapporteurs or representatives from the UN gather facts, visit prisons, interview victims, and make recommendations. They investigate situations in specific countries and conduct thematic studies on such issues as torture, religious intolerance, racism, and the sale of children and violence against women, and so on. Each year they send thousands of urgent cables to governments requesting, for example, the release of prisoners, the commutation of death sentence or other vital actions. Working groups have been established to investigate such issues as involuntary disappearances and arbitrary detentions. Their reports highlighting human rights violations help to mobilize international attention.

The UN High Commission for Human Rights coordinates the UN human rights programme and promotes universal respect for human rights. The office coordinates human rights activities in the United Nations, services the UN Commission on Human Rights and most UN Human Rights treaty bodies. Every year, the office receives about 400,000 complaints of human rights violations.

It is thus that human rights education operates at three different levels. At the local level human rights education provides individuals with practical knowledge about human rights and mechanism for their protection and the development of their individual potential. At the national and international levels, human rights education promotes values, beliefs and attitudes that inspire action in upholding human rights. Human rights education thus encourages all – from the individual to the international community – to take action to defend human rights and prevent abuses.

The United Nations proclaimed the period 1995-2004 the Decade for Human Rights Education in order to raise awareness of human rights worldwide and to foster a universal culture for human rights. The decade has been a catalyst for initiatives in some 30 countries to revise school curriculum or promote human rights education. To assist states in developing a national agenda for human rights education, the United Nations developed a plan of action for the Decade and urged government and non-governmental agencies to implement the recommendations contained in the plan – that is, building effective human rights education programmes and strengthening the role of mass media. It also encourages identification of needs and formation of educational strategies, development of educational materials and worldwide dissemination of the Universal Declaration.

It is in this context that human rights education can be described as a process of transformation that begins with the individual and branches out to encompass society at large. The goal of human rights education is empowerment. The result is social change. Human rights education involves knowledge of exploitation of human rights principles and its protective instruments along with the promotion of critical reflection and inquiry. "Human Rights Education can be defined as a process of learning, discovery and action that cultivates the knowledge, skills, attitudes, habits and behaviour needed for people effectively to know, assert and vindicate their human rights consistent with the Universal Declaration and to respect the rights of others" (Richard Pierre Claude, 1998) J. Paul Martin writes "Human Rights education is peculiar in that it is usually education with a social purpose. It is also prospective rather than retrospective. It seeks to bring about social change" (1996).

Education in general is training in formative behaviour as an integral human personality. It communicates knowledge, skills and values in the work of earning one's livelihood and solving problems of day-to-day life. It is expected to generate new knowledge and technology for the benefit of society, which implies equipping the learner with an integral philosophy of life. The aim of human rights education is not primarily excellence in academic performance and examination results. It is more to bring about a radical metanoia (Prajna) of both the educated and educator by de-egoing them. The availability of self-less service 'Nishkam Karma" makes a person mature and capable of assuming whatever responsibility he is called to shoulder. Only such a qualitative education can create fully committed persons in the service of justice and faith in the context of restructuring society. It is in this perspective that a new society can be built on truth, justice, love and freedom. Hence some elements of HRE may be listed as: discovery of the self and the dignity of the human person; the consciousness raising content (awareness); forming a new synthesis and new value system and evolving problem solving processes.

Some scholars of human rights point out four dimensions of human rights education. First, the valuing dimension that is concerned with the development of values as well as loyalties to groups.

It very often involves indoctrination and ceremony. Second, the information dimension focuses on students' knowledge base such as the structure and functions of government and how political processes work. This approach is common to most HRE programmes. Third, the inquiry dimension involves the development of analytical tools or skills whose ends may be specific to the educational programme. Inquiring may be practical in order to clarify and understand differing perspectives or to train for decision making processes and/or for taking critical perspectives on political life. And the fourth, the participation dimension that prepares students to carry out the basic tasks associated with citizenship. The goal is to give students participatory exposure in schools or communities so that these may be transferred into active citizenship in the adult lives.

III

Vulnerable Groups

There is no universally accepted description or definition of vulnerable groups. But whether they are called marginalised, deprived or weaker sections of society, they face certain level of 'social exclusion'. For example, large segments of our population are deprived of basic education. Is it that some parents especially of vulnerable sections deny their children schooling? Is it that socially disadvantaged groups do not care for literacy? Or could it be that the underlying socio-economic mechanism which depresses a desire for education deserves to be probed?

The concept of social exclusion is increasingly becoming focal to recent United Nations thinking particularly in the human rights education arena. Social exclusion is a multidimensional concept conceived to capture different aspects of social disadvantage – economic, social, political and cultural – that exists in multiple variants across nations. The term focuses on groups excluded in economic, social and cultural terms as well as on the mechanism that works to relegate them to the status of social outsiders. The emergence of the term, in fact, reflects an attempt to reconceptualise the changing nature of socially disadvantaged in post-industrial societies in the face of major technological change and economic restructuring.

Two important issues are worth considering here. First, does the concept add anything new which cannot be provided by analysis within more conventional frameworks of, say, poverty, inequality, deprivation and so on? Second and most important, can this concept be extended to the Indian situation where caste plays a major role in social exclusion?

A great deal of research has been done on issues such as poverty, inequality, deprivation, entitlements and capabilities. The findings have elements in common with the exclusion approach. The idea of exclusion is not a fundamentally new approach for the Indian sub-continent. Yet, it provides a way of unifying, within a general framework, issues which are normally analysed separately. Drawing from separate literatures on access to land, employment, repression and social services, it links together both material deprivation as well as denial of social rights; it encompasses not only the lack of access to goods and services and from social security, but above all from justice.

Moreover, the conventional analysis of the socially disadvantaged is often static in that it focuses on counting of numbers in relation to given thresholds. In contrast, analysis of exclusion tends to draw attention to the process of social distancing – overt to covert; it offers an alternative way of thinking about the multiple dimensions in which people fail to gain access to a decent living as well as about the socio-economic mechanisms underlying such handicaps. In our societies the vulnerable groups face problem that is persistent, cumulative and multiple handicaps and their number is large. In the broad category one may identify women, children, tribals, Dalits, minorities, migrant workers, uprooted people, disabled people and refugees. The girl child belonging to perhaps any caste or community and even religion face problems of discrimination and greater violation of her human rights.

Several UN documents refer to 'vulnerable groups'. The vast majority of the international instruments adopted since 1948, proclaim the protection of human rights as one of its principal purposes and have used the term 'vulnerable groups' to emphasise the priority. In South Asia caste based discrimination is one of the biggest challenges to human rights education. Dr. R.M. Pal has dealt with this aspect in details in his background paper [published elsewhere in this volume-eds.]. In India alone the number of Scheduled Castes (now known as Dalit) is over 150 million. The National Human Rights Commission of India (NHRC) has termed this practice as 'ancient wrongs'. In any eventuality these groups are targets. In case of conflicts women and young girls become victims of rape and symbol of 'revenge'. Due to mining and large scale infrastructure projects, the tribals are facing displacement from their ancestral domain. In many areas of our country exploitation of child labour in hazardous occupation is rampant. Organised trafficking of girls for commercial sexual exploitation is on increase in India.

Tribal People

Many regions in India are ethnically not homogeneous. Tribals are the poorest, most marginalised and most vulnerable. Deforestation and forest policy has seriously endangered the way of life of tribal people. There are numerous cases in our country, which reflect the negative impact of globalization on tribal communities. Unfortunately the UN have minimal protection offered to them in the realm of national and international law. The only legally binding international instrument which exists is ILO Convention 168 which upto now has been ratified by 8 out of 165 States. The plight of the tribal people has been well documented in a World Bank report prepared in 1982. Some of the reports and studies on tribal problems in India in recent years have been prepared by Dr. Walter Fernandes.

Tribal population in India is about 8 per cent of the total population. Construction of major dams has hit them adversely – the latest being Narmada Sagar in central India. Most of the mining is taking place in areas inhabited by them. The iron ore belt in Bastar, coal mines in Bihar, Andhra Pradesh and Orissa, oil fields in Assam, thermal power plants in Singrauli (U.P.), to name a few, have displaced tribal people. This is experienced in Malaysia, Burma and Bangladesh also. They are victims of modern development schemes, which have, in fact, hit the very survival of these communities. Adolescent girls from these communities are worst hit by the new economic policies. In a number of sites of mining and the thermal power plants they are forced into the flesh trade. From self-respecting and self-confident young women they become 'sex objects'.

Children and Youth

The UN Convention on Rights of Child has been signed by a large number of countries. In the implementation of this Convention the utmost attention is to be paid to children in difficult circumstances. The Convention is of crucial importance to children and youth victimized by the globalization through practices such as trafficking of children, child pornography, child prostitution and child labour in hazardous occupations. Never before has the international community been so aware of the cruel forms of child labour as now. The Child's Rights Convention includes general restrictions on child labour.

"State parties recognize the rights of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child health or physical, mental, spiritual, moral or social development" (Article 32). The first ILO Convention on child labour was adopted in the year of its inception in 1919. The most important Convention is of 1973 (No 138) entitled Minimum Age for Admission to Employment. Another important one is Forced Labour Convention (No. 29 of 1930).

What is Child Labour? There is some confusion about this in various quarters. Earning some pocket money while in school or helping one/two hours in the family work after attending school and in a manner that is not detrimental to the development of child is not child labour. The general minimum age for admission to employment or work, laid down by the ILO Convention No. 138 is 15 years or not less than the age of completing compulsory schooling if this is higher. The Convention also sets the minimum age 18 years for hazardous work. Light work may be permitted for the age group 13 to 15. When a country formally agrees on the Minimum Age Convention these age limits are written in the national legislation. The word 'work' is not interpreted in the same way in all countries.

And not all work done by children can be defined as child labour. Children becomes child workers when they are performing work that is 'harmful to the physical or mental health, safety and development' as declared in the UN Convention on the Rights of the Child. The alternative to child work should be education.

According to the 1991 census the estimated figure of working children is 11.2 million full time and 10.7 million part time. The figure in 1981 Census was 13.6 million and in the 43rd round of National Sample Survey estimate was of 17.12 million. Over 90% of the child labour population in the country are found in 11 states. The state with the highest population in the country is Andhra Pradesh, which is as per 1981 Census, had 19.50 lakh working children. Other states where the child labour population is more than 10 lakh are Bihar, Karnataka, Madhya Pradesh, Maharashtra and Uttar Pradesh. The child labour population in these 11 states is as under:

Sl.No.	Name of the State	No of working children (in Lakhs)
1.	Andhra Pradesh	19.50
2.	Bihar	11.02
3.	Gujarat	6.17
4.	Karnataka	11.31
5.	Madhya Pradesh	16.99
6.	Maharashtra	15.58
7.	Orissa	7.02
8.	Rajasthan	8.19
9.	Tamil Nadu	9.75
10.	Uttar Pradesh	14.35
11.	West Bengal	16.05

The bulk of the child labour force is engaged in rural areas and in agricultural and allied employment. Cultivation, agricultural labour, live-stock, forestry and fisheries account for 84.98 % of child labour. In the urban areas, manufacturing, servicing and repairs account for 8.64 of child labour. While no industry-specific reliable data is presently available with regard to child labour in hazardous occupations, it is estimated that the number of children working in hazardous occupations is about 20 lakhs. Majority of the child workers belong to the Scheduled Caste, Scheduled Tribe, Backward and the Minority communities.

Children, it is claimed, are our future but every where, in rich and poor countries alike, they are the victims of abuse, neglect and preventable diseases, hunger and war. Among the most disturbing aspects of child labour is the growing demand for young people for sexual purposes. The increase of child exploitation appears to be linked to factors such as the development of tourism and the establishment of military bases. Child prostitution has become a big business in a number of South-East Asian countries with agents travelling to the countryside for suitable children. Poor parents are deceived into believing that their children will be well looked after and given legal employment. Children once forced into prostitution feel too ashamed to tell the truth to their parents and too scared to denounce their employers.

The tragedy of child labour in the developing countries is that a large proportion of the young are being denied education and training and the opportunity to contribute as adults to future development. They are forced by circumstances into a cycle of poverty, illiteracy and despair.

Street Children

In the context of the colossal challenge posed by the urban young, let us focus on a particularly vulnerable group whose needs or even existence is commonly ignored: the street children. They struggle to survive on their own in all large urban areas. Concern of their cause, hitherto largely unacknowledged, is long overdue. They exist in both developing and developed countries although their problems and needs vary. They are condemned by the indifference of their guardians and the state; they are left with no other alternative but to fend for themselves, drifting from childhood to adolescence brutalized and increasingly alienated. Their emergence was never foreseen in any national plan. But they are with us in almost all big cities. The condition in which they live are little known. For most street children, staying alive from day to day and hour to hour means unending hard work for a meager return. In various ways, they all do so by scrounging, foraging, and bartering, by contributing, as economists put it, to the informal sector. They shine shoes, wash cars, carry shopping bags outside department stores, sing or play instruments in buses and subways or simply sort through rubbish dumps for objects to sell. When life itself is at stake, competition is ruthless and stealing or fighting is unexceptional activities. Having been written off by society, many street youngsters hold its standards in contempt. Their life offers them the spectacle of conventional existence without integration into its values. It represents instead a counter-culture, which replaces school and has a very different syllabus. For them, the street is both a brutal parent and a capricious teacher.

Street children do not belong anywhere. This phenomenon has developed because of neglect/homelessness, where about 50% children in densely populated urban slums are on the street. Private organizations in various large cities like Calcutta, Delhi, Mumbai, Chennai and Kanpur, have attempted to rehabilitate such hopeless street children, but many of them are abandoned and neglected without any family or kinship ties or deliberately encouraged to work as casual labour for family incomes. The major alternative for the government is to place them when found, as "neglected juveniles".

The law brings into play a whole gamut of indifferent process for the neglected juvenile, beginning with Observation Homes to being permanently institutionalized. Several such children, after the age of majority in such homes, are loath to leave the secure "homes like environs", and institutions have to deal with dependency relationships. The juvenile institutional system has the following structural format:

– Pre delinquency area	– Observation Home
– Delinquency area	– Centre of Treatment
– State intervention	– Juvenile Welfare Board
– Care of neglected children	– Juvenile Centre
– Care of delinquent children	– Correction Centre

Courts have several pending cases for various reasons: lack of resources; lack of understanding of the rights of the child; inadequate training of personnel handling cases, absence of monitoring and accountability by a people- processing bureaucracy; and lack of witnesses. Moreover social workers have little resources to research the case. Furthermore, decisions given in many cases are wrong for reasons mentioned above. The Observation Homes, where the neglected and the criminal live together, are treated by plural bodies, and children are expected to be produced before the competent authority within 24 hours. It is only in the After Care Homes those released children can be rehabilitated. However, at least 20% prisoners are reported to be juvenile offenders, placed along with adult criminals implying a learning process towards criminality.

The record of government agencies in dealing with street children is invariably poor. Most countries have an extensive safety net of legislation to protect the child whose family is inadequate, and authorities run institutions for those in need of care if substitute families cannot be found for them through adoptions and fostering. They have long been controversial and in practice tend to occupy an ambivalent position between the Ministry of Social Welfare and the Ministry of Interior, between protecting the child against the wild world outside and protecting society against the pre-delinquent child. The two things are very different but produce the same systematic exclusion and segregation.

Street children, almost everywhere, are arrested and kept in detention in harsh circumstances. The sad fact is that most governments are not interested in the welfare of street children. Their childcare facilities rarely make any effort to understand the deeper motivations of the child and they do nothing to provide a sense of belonging.

Repressive attitudes on the parts of those in authority are often compounded by bureaucracy. Ministries may be too compartmentalized, and the emergence of such new problems may point to gaps in coverage between jurisdictions. Typically, each separate ministry has far more immediate concerns on its hands than street children, and none is prepared to take overall responsibility. Departments tend to determine and shape their programmes by the available policy instruments they have, which are geared to those in families and not always flexible enough to cope with exceptions. Authorities do the minimum, and only under pressure. As for NGOs, they cannot usually fill the gap on the scale required.

Against this gloomy picture, there have always been those, in many countries, who see the issue not in legalistic or law and order terms but in humanitarian terms, and who seek to provide more humane alternatives to institutional treatment. Fieldworkers, from the private sector, and often with a religious background, have developed methodologies for meeting the particular needs of street children. While well aware of the deeper structural causes of the problem, they see their task as to deal firstly with the consequences, which are enough to keep them busy. They recognize that their projects can never do more than make the best of a bad job. Their calling requires seeing the young victims not as what they have become through forces of circumstances but for their own intrinsic worth.

Refugees and Displaced Persons

Throughout history, and in every part of the world, people have been uprooted by persecution, conflict or environmental disaster. What is unique at the present time is the massive scale and global nature of such movements. Over the last 30 years, on an average, 700 people a day have been forced to leave their homelands and to become refugees. The world's refugee population now exceeds 13 million. The number of people displaced involuntarily within their own country is much greater.

International arrangements exist to provide material assistance and protection to refugees who qualify for that status according to the universally accepted definition contained in the 1951 United Nations Convention Relating to the Status of Refugees. According to it, a person is a refugee if he is unable or unwilling to be in his own country for reasons of persecution or well founded fear of it due to his "race, religion, nationality, membership of a particular social group or political opinion".

In recent decades, the root causes of refugee problems have become much more complex. People flee for a series of reason and it is becoming increasingly difficult to distinguish clearly between refugees and non-refugees on the basis of the established criteria.

Victims of armed conflicts, for example, are not included in the definition of the 1951 Convention. Yet since World War II, the number of such conflicts, ranging from internal disturbances and civil wars to undeclared wars between States, has continued to increase. Invariably, these conflicts oblige people to flee. Population becomes displaced within their own countries and often spills across national borders in search of security. Understandably, some of the largest movements of refugees and displaced persons in recent years have taken place in areas of armed conflict.

Many of the world's poorest countries are locked into a vicious circle of repression and opposition. Finding that the constitutional means of expressing their opinions are limited, opposition groups turn to terrorism or guerrilla warfare. In response, the government launches a military campaign to reassert its authority and to eliminate the opposition. The civilian population, especially in rural areas, are caught between these conflicting forces and many, if they are not killed, flee for their lives.

Communal violence is one of the most frightening forms of conflict. When the members of one ethnic, religious or linguistic group clash with the neighbouring members of another, atrocities are almost inevitable. Even when governments do not have discriminatory policies, their inability to protect their own minorities or a threatened social group can indirectly cause the flight of large number of people.

Environmental disasters such as drought and famine are also uprooting more and more people every year. Deforestation, desertification, rapid urbanization and ineffective agricultural policies have all played a part in upsetting the delicate balance between man and his environment. The people most effected are the poor and powerless.

The development process is likely to uproot people in such a scale as can be called an environmental disaster. In many developing countries, land is being systematically appropriated in an attempt to fuel economic growth. Dams, highways, mines, and energy pipelines and timber reserves, all require large amounts of land. Planners, politicians and businessmen often regard the traditional land user as an inconvenience and a hindrance to growth. In many cases the local inhabitants are simply told to leave their land or are forcibly evicted from it.

The urbanization of the developing countries has accelerated rapidly in the last thirty years. Much of the increase in the urban population is a result of massive movements of the people from the countryside to the towns, prompted by indebtedness, land exhaustion, and the neglect of rural areas in official development plans. In some cases, large numbers of people from the countryside flock to cities to escape armed conflicts or terrorist activities.

The victims of mass expulsions are also inadequately protected and assisted by the international community. In recent years, a number of governments have attempted to resolve pressing political and economic problems by expelling unwanted sections of the population. Ethnic minorities, political dissidents and migrant workers have been the most frequent targets of such exercises. The plight of all these new categories of uprooted people calls for urgent initiatives at the international level. People who are displaced within their own country are a particularly vulnerable group. Their rights are neither fully recognized in national nor international law.

Today India is facing the problem of refugees and displaced persons. Refugee influxes and internal displacements impose a massive burden on limited government revenues and overstretched administrative structures. The burdens on ordinary people are even more significant. Impoverished newcomers compete with their local hosts for scarce resources such as food, water and fuel. Deforestation, soil erosion and deterioration of public services are likely to take place when an already poor area is required has to support a much larger population than it can sustain. Tension and conflict can easily arise between displaced people and host communities.

At the international level mass displacements can reinforce political tensions and obstruct regional co-operation. Under international law, the granting of asylum is a humanitarian, non-political act. In practice, it is not always so perceived. Moreover, refugees are not only the victims of local and regional conflicts, but are sometimes also active participants in them. Governments are becoming increasingly reluctant to practise an 'open door' policy and to grant asylum generously. The international community has tended to perceive mass displacements as an inevitable deviation from the norm. But it is now clear that refugee movements are the product of some very profound, structural problems confronting the contemporary world. The existing legal and organizational framework of refugee protection and assistance needs adjustment to this new reality.

Within the United Nations, two agencies have specific mandates to take care of defined categories of refugees: the office of the United Nations Relief and Work Agency (UNRWA) and the UNHCR. When UNHCR was founded in 1951, the number of recognized refugees was less than two million. Most of them lived in the more prosperous countries of the world. Now there are over six times as many, the vast majority of them in the poorer nations.

There are serious political and financial implications arising from this situation. Both UNHCR and UNRWA have had funding problems in recent years. The finances available are swallowed up by expensive relief operations and care and maintenance programmes. The inter-governmental and voluntary agencies working with refugees have, therefore, not been able to concentrate their resources on finding lasting solutions to refugee situations.

IV

Right to Development

The year 1996 marks the tenth anniversary of The Declaration on the Right to Development. Few of us are aware of this 'new human right'. For a long time, the problem of development had been viewed almost exclusively from an economic standpoint. The concept of the right to development has opened up a new perspective, linking development with human rights. So that the right to development has been declared as : "An inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized".

Hence, the Declaration reflects, and contributes to, an altered understanding of the concept of development, that is, a human centered development. Article 1(1) declares the human person as the central subject of development and development is defined in the second preamble paragraph as: "A comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom".

The right to development, in fact, is a process of conceptualisation and operationalisation. The right to development does not contain a stronger claim on basic needs or economic and social rights – these have likewise been expressed elsewhere. It is the method and the procedure, for realizing human rights (economic, social and cultural rights as well as civil and political rights) and development in general which is the novelty of the Declaration. According to the Declaration, the creation of conditions favourable to the realisation of the right to development is the primary responsibility of the States. Further, States have duties to cooperate with each other in ensuring development and eliminating obstacles to development, and to take steps individually and collectively, to formulate international development – policies with a view to facilitating the full realisation of the right to development.

The meaning of the development emerges from the last subsection of Article 1 of the covenant: "in which all human rights and fundamental freedoms can be fully realized". In so far as required for the realisation of economic, social and cultural rights, it might include economic growth, but development is much more than just growth. Neither would all forms of growth be compatible with development. The distinguishing criteria, would be according to Eide, whether the processes of Growth were such that they did not negatively affect civil and political rights, and that they gave better protection of social and economic rights to the most vulnerable and impoverished (Asbjorn Eide 1987).

It is precisely for vulnerable individuals and groups that the opportunities for satisfying their own basic needs are most needed, and, therefore, the human rights education strategies should aim at creating awareness in civil society about this. States have obligations at three levels. States must, at the primary level, respect the freedom of individuals, including its resources. At the secondary level, States must protect individual freedom of action and use of resources (against most assertive or aggressive subjects). At the tertiary level States have the obligation to assist and to fulfil the rights of everyone under the Covenant to Economic, Social and Cultural Rights (CESCR). This implies firstly to provide opportunities. Secondly, when no other possibilities exist, it implies to provide the good or the resources needed to acquire the good. Human Rights Education should give priority to the civil society participating in ensuring protection and realisation of the rights of the most vulnerable.

V

Epilogue

Human Rights Education based on the approach of right to development will be instrumental in inculcating a sense of solidarity with the vulnerable groups. The use of human rights language in curriculum does not necessarily mean that human rights concepts have been understood. There are also evident problems of rhetoric. The concern is more with the fact that apart from so-called human rights projects, the human rights objective continues to be of little prominence in the preparation, execution and evaluation of the HRE. One of the possible methods for implementing human rights education for the vulnerable groups is to introduce 'human rights impact statement' in the human rights education. A regular application of such statement would increase awareness among the final beneficiaries.

"Building a world of respect for human dignity and social justice is a job - a responsibility - for everyone" said Kofi Annan, Secretary General of the United Nations. We need to create a culture of human rights. Although the scene is full with dark clouds but we wish to reaffirm our faith in the ability of humankind to overcome the colossal challenges facing it. The ethical values shared by all societies must become a sustaining force to bring change and brighter future for the vulnerable groups in the twenty first century.

REFERENCES

United Nations. 1998. *Human Rights Today*, New York.

National Human Rights Commission of India. 1996. *Annual Report*, New Delhi.

ABC: Teaching Human Rights, 1990. UN Publication, and New York

Refugee Magazine, UNHCR.

Human Development Report. 1998. UN.

Gathia, Joseph. 1992. *Child Labour: An Analytical Study*, Centre of Concern for Child Labour, New Delhi.

Anderson, B.A. and T. Swinehart (Eds). 1991. Human Rights in Developing Countries, Kehl.

Human Rights Education in Schools

Sangeeta Mall

The issue of human rights education for school children can be divided into four sub-topics, namely: (1) Age for introducing human rights as a subject; (2) Methodology and curriculum; (3) Target audience; (4) Tackling the child's environment. I shall deal with the last topic first.

In a country like India where the whole social structure is based on institutionalized inequality, it is hard to "teach" human rights as a subject. The entire environment and the social and cultural influences arising from it are geared to ensuring that every child accepts inequality as normal. Inequalities are income based, gender based, caste based and region based (people from the North East being considered inferior to someone from a more "mainstream" state, for example). In such a scenario, the whole premise of human rights, viz. that all men are born equal, is on a practical level absurd and can only be appreciated on an intellectual level, most of the time not even then. Furthermore, to argue that the rag picker is on some front equal to the public school is farfetched, to say the least. The two are so obviously unequal. In a household where girls are in a majority, to argue that the girls are equal to the boys is unrealistic. Not only the boys, but even the girls accept the inequality. They see it in the way their family behaves, in how their mothers and sisters do chores which are not expected from the menfolk of the family. On the caste front, certain castes are considered not worth our attention. They are called the "SCs" and treated with contempt if the child is in an urban environment and "chamar" if the setting is rural. At a daily level, life in India is only about inequality. And inequality is anathema to human rights. Today the term "human rights" is treated with contempt by most of the educated class of people who claim to have some understanding of the subject. This is the context in which we must have any discussion on human rights education.

Target Audience

As the background paper by Dr. R.M. Pal points out, the worst human rights violation in India today is the illiteracy level which stands at more than 50% and about which no concrete steps are being taken by any organization, either public or private. Thus any human rights education which is introduced will at best be addressing less than 50% of the total school going age population given that only about 50% of our children go to school. If we take into account the inefficiencies of our school system we can safely assume that not more than 15% of the total children in this country will be actual, effective recipients of any new course. All further discussion will be against this backdrop. From such numbers it is obvious that for the country as a whole education has very little to do with our attitudes in adult life. It has, in fact, contributed to a negative phenomenon, that of cynicism and resentment against the education system. No school child takes pleasure today.

The purpose of introducing human rights education is to bring about a change in the mindset of the recipients and thus eventually generate a positive and healthy attitude towards human rights. But if only 15% of the total children benefit from such education then of what use is such education?

Secondly, to whom should such education be imparted? The total number of privately funded schools in this country is only 10% of all the schools. The rest of the schools are state funded. Assuming that the rural areas have only state funded schools and the urban-rural school ratio is 60-40 then out of every 100 schools, 64 are in the urban areas and 36 in the rural areas. Out of the 64 schools, 10 are privately funded and 54 are run by the state. The table below describes the condition of these schools:

Type of school	Total ratio of such schools	Conditions in these schools
Privately funded-urban	10	1. Small class size 2. High teacher student ratio 3. Trained teachers 4. More aware children 5. High teacher motivation
State funded-urban	54	1. Large class size 2. Low teacher student ratio 3. Trained teacher 4. Reasonably aware children 5. Low teacher motivation
State funded-rural	36	1. Large class size 2. Very low teacher student ratio 3. Untrained teachers 4. Awareness level of children very low 5. Very low teacher motivation

Thus there is a huge discrepancy across schools and obviously no one curriculum is adequate for addressing the needs of all the children. The question arises: Is there space for a new subject, specially one as esoteric as human rights, in all the schools?

The school teacher in almost every situation is overburdened with mundane tasks. He has to teach subjects about which he has little knowledge in a manner which is destined to make the process of learning a dry one. He has to deal with students who from an early age are taught to treat formal education with awe on the one hand and contempt on the other. The education system is designed merely to ensure that a certain percentage of marks are obtained and it doesn't matter if there is no residue of that subject in the student's mind after the examination is over.

Now we come to the question, why do we need to introduce human rights education? I will quote from a UN document on this subject: “human rights education (is)....aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes which are directed towards the promotion for understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups”. From this objective, it is obvious that human rights cannot merely be a subject to be taught in the classroom.

Change Agents

If the purpose of teaching human rights is to achieve the above objective, then it is obvious that it must be taught to every child in the country. However, given the fact that over 50% of our children do not go to school, how is this to be made possible?

Human rights must be taught in a manner that the recipient of this education is able to effectively disseminate it further. Thus we come to the issue of the target audience.

Methodology

Keeping the above argument in mind, the methodology can be divided into two parts: (1) At a general level, all children exposed to human rights education must be imparted basic knowledge in a classroom scenario. Rigour has to be present as far as knowledge of the core human rights instruments are concerned, such as the Universal Declaration of Human Rights and the two international covenants. Also the Rights of the Child and the Convention on Elimination of Discrimination against Women need to be taught. But otherwise the methodology has to be necessarily case study based with emphasis on real life examples, a toolkit of which needs to be developed. Children need to be encouraged to share their own experience and discussion on methods of problem solving has to be encouraged. Arising from such experiences, knowledge about Indian culture and circumstances leading up to the modern situation of human rights can be developed by the teacher. There should be no examination. Rather, continuous appraisal based on class participation and ability to relate to situations needs to be conducted. Obviously, teachers will need to be trained in such a methodology.

The entire methodology needs to be objective driven, where each session will need to cover a certain set of objectives. Consolidation on concepts needs to happen after every few homogenous sessions. Techniques like dramatization, picturisation, projects need to be used aggressively. The methodology will cover all the children in the target segment. The different segments will have different syllabus which will be more relevant for their environment. Thus although Indian society faces certain social ills like the caste system and exploitation of women across all sections, there are others like child labour which are far more relevant amongst the more deprived sections of society. Thus it would be a non-starter to have a universal curriculum.

Now we come to the problem of educating those children who currently are not part of the formal education system. Firstly, we need to examine whether such children need inputs on human rights education when they don't have access to basic education. This writer would argue in the affirmative. A formula can be evolved for dissemination of human rights education on a mass scale whereas no such formula is available for basic education. The two types of education can progress in parallel. Having said that let us come to how it is possible to disseminate human rights education using the concept of change agents. By a change agent I mean an individual or agency which is in a position to influence a certain course of action which does not fall in the natural course of events. In an ideal scenario, teachers would be change agents since they are capable of leading the thinking process. Of course, to a large extent this is not the cast today. In the case of a mass scale movement like human rights education, there has to be a whole society of change agents who can influence society around them. Who better to do this than the students themselves, who with their fresh minds and critical approach are able to absorb concepts much faster than adult minds can. Thus it is proposed that from amongst the students who are imparted human rights education formally, a group be identified who are capable of taking their learning forward. On what factors will such a group be identified? The factors have to be necessarily quantitative for the teachers to be able to effectively identify students. Having isolated such groups, an apex level team of human rights experts and educationists can take over the task of imparting training to these students on how to further disseminate the knowledge which they have gained to those sections who do not have access to formal schooling. Obviously the methodology applied in this case will be completely non-formal. Community associations like the police, local social workers, sarpanches and other opinion leaders have to be involved with these groups which should be mobile and visible. These children must be made to feel that they have been selected for a task, the proper implementation of which will lead to a complete change in their circumstances. Hence, they need to be given special amenities, a different kind of environment, and a glimpse into the outside world which otherwise they would not get access to. Membership of such groups should become aspirational for children.

A conclave of children and adolescents hailing from two distinct sections of society – one which has access to formal schooling and the other which doesn't – will be formed. The first milestone of human rights education will be the coming together of these two groups who will positively influence each other's thought processes and ideas. Thus the vehicle of human rights education can be used to make children, the most affected people, aware about their rights and so, press for them. In this manner, human rights education will take on the role originally meant for it, which is to sensitize society about its rights and develop a caring, equitable and just society.

Part IV

Human Rights Education: Issues and Approaches

Role of Panchayats in Promoting Human Rights

Mahi Pal

Introduction

In a broader sense the overall thrust of human rights is to create a social order where human *amour-propre* is secured; it also relates to a paper socio-economic environment for holistic development of each and every individual and thereby the entire society. This requires not only liberty and deliverance of the oppressed, depressed and suppressed, but also establishment of such institutions which are not only democratic but also close to the masses. In this context we may examine to what extent Panchayats as democratic institutions of local self-government can promote and guarantee human rights.

The Panchayats have potential to promote and guarantee human rights at their levels. These can be achieved, broadly speaking, in the following manner: through decentralisation of power; by inculcating democratic culture at decentralized level; and changing the existing unequal social order into a more equitable social order. It is in this context this paper examines as to what extent the Panchayats are able to promote the cause of human rights situation in rural areas and what further measures are required to be taken for accelerating the process of achieving human rights through these institutions.

I. Decentralisation of Power

Any human rights movement would opt for decentralisation of power because concentration of power in a few hands or families or institutions is injurious to the health of individuals as well as the entire population, particularly marginalised groups comprising dalits and women. Before the 73rd Amendment to the Constitution there were 32 states, UT governments and the central government in the country. The 73rd Amendment to the Constitution has given power of decision making in preparing and execution of plans for economic development and social justice to the Panchayats numbering more than 2 lakhs at village, block and district levels across the country.

Article 243-G of the Constitution says that the legislature of a state may, by law, endow the Panchayats with such power and authority as may be necessary to enable them to function as institution of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at appropriate levels including preparation of plans for economic development and social justice and implementation of schemes for economic development and social justice as may be entrusted to them including those listed in the 11th Schedule. This Schedule, which is given in **Annexure 1** contains a list of 29 subjects like Agriculture, Education, Land Reforms, Health, Poverty Alleviation and Rural Development Programmes, Welfare of Weaker Sections, Maintenance of Community Assets and so on. In the light of the 73rd Amendment, the States have amended their Panchayat Acts and devolved powers to these institutions, with regard to, among others, preparation and execution of plans for rural development.

Besides constituting Gram Panchayats at local level, Panchayat Samitis at block level and zila Panchayats at district level, all the State Panchayat Acts have made provisions for forming Gram-Sabhas (village Assembly) at the village level. This institution is the cornerstone of the entire Panchayati Raj System as it gives opportunity to each and every voter of the Gram Panchayat to participate in decision making of decentralised governance, planning and development. At least two meetings of the Gram Sabha have to be held in a year. But in some states, like Madhya Pradesh, frequency of holding meetings of the Gram Sabha is four times in a year. In states like Haryana and Madhya Pradesh, provisions have been made that if the president of a Gram Panchayat is unable to hold a second meeting of the Gram Sabha he/she would cease to be president from the scheduled date of the meeting. In some States like Bihar and Rajasthan provisions for forming of a Vigilance Committee by the Gram Sabha have been made to oversee and monitor the work of the Gram Panchayat. These provisions will again strengthen people's supervision on the functioning of the Gram Panchayats.

In Fifth Scheduled Areas comprising Andhra Pradesh, Bihar, Maharastra, Madhya Pradesh, Orissa, Gujarat, Rajasthan and Himachal Pradesh the Gram Sabhas have further been empowered with regard to the following:

(a) to safeguard and preserve the traditions and customs of the people, their cultural identity, management of community resources and customary mode of disputes resolution; (b) approve plans, programmes and projects, selection of beneficiaries under poverty alleviation programmes and issue certificate of utilization of funds by the Panchayats; (c) prior consultation before making the acquisition of land for projects and before resettling or rehabilitating persons affected by such projects; (d) prior recommendation for granting licence for mining lease for minor minerals; (e) enforce prohibition, ownership of minor produce, alienation of land, management of village market and money lending to SCs and STs, control over institutions and functionaries in all social sectors, preparation of local plans and mobilisation of resources for such plans including tribal sub-plans.

It is thus the entire scheme of decentralised governance in the Vth Scheduled Areas has been put in the hands of the Gram Sabha.

In addition to the above, in order to involve and enable participation of each and every member of the Panchayats in effective decision making of over-all development of rural areas, a provision for constituting a Sub-Committee like Agriculture, Health, Education, Social Justice etc., has been provided in the State Panchayat legislation from the Gram Panchayat to the Zila Panchayat. The representation of weaker sections and women has also been ensured on these Committees.

On the basis of the above, it may be said that the Panchayat at village, block and district levels are close to the masses and provide ample opportunity to local people to solve their problems collectively in a participatory manner and thereby strengthen human rights.

II. Inculcation of Democratic Culture at Local Level

In a traditional society, which is feudal and semi-feudal in nature, power rests either in the hands of a few families or few individuals. This is against the vary culture of human rights. Furthermore, centralisation of power comes in the way of secularisation and universalisation of power. Through Panchayats, power and authority in certain areas which matter the most to people (See 11th Schedule in Annexure), have been distributed among millions of the elected representatives comprising different castes and communities who have assumed offices of member and chairperson of these institutions at Gram Panchayats, Panchayat Samitis and Zila Panchayat levels. For example, as a result of elections to the Panchayats there are about 34 lakhs elected representatives as members and chairpersons at all levels of Panchayats across the country. As a result of reservation provided for SCs and STs and women under Article 243-D of the Constitution, out of the total elected representatives about seven lakh members and chairpersons are from SC and ST categories. Of them about two lakhs are women belonging to these groups. Besides, out of the total elected representatives at all levels more than 11 lakh are women belonging to different castes and classes of the rural society. This is perhaps the broadest representative base which exists in any country of the world. This will also strengthen and promote the human rights situation in the rural areas as Panchayats have distributed power among millions instead of putting it in the hands of a few at the Central and the State levels.

III. Potential of Changing Existing Unequal Social Order to Equitable Order

For promoting and guaranteeing human rights in the countryside transformation of unequal social order into a more egalitarian one is necessary. This is not a simple task – it can happen only after a long struggle and sacrifice. In this regard, Panchayats have the potential for creating an egalitarian social order in country-side. Experiences of working of marginalised sections such as SCs, STs and women as member and chairperson of Panchayats during the last three/four years reveal that they have been struggling and sacrificing a lot for weakening the status-quoist forces like the higher castes and landlords. As mentioned earlier there are a large number of persons who now occupy offices of members and chairpersons belonging to marginalised sections across the country. Before the 73rd Amendment to the Constitution there was no provision for reservation for the SCs and STs at any level in any state. Earlier these groups did not participate in the decentralised governance through Panchayats in a big way and they were also not the beneficiaries of the system. The Dantawala Report on Block Level Planning in the mid 70s even went to the extent of saying that Panchayati Raj Institutions act as gate-keepers and prevent the flow of benefits to the poor people.

However, the weaker sections including women in most cases have not been participating effectively as they ought to. But they are definitely learning to make their presence felt in goverance; this will definitely enable them to prepare and execute plans for the development of marginalised sections of the rural community in an effective manner and will promote human rights by providing access to basic needs like health, education, sanitation to the masses in spite of conflicts between elected representatives belonging to marginalised groups and upper castes in some states. A few examples are given below.

Madhya Pradesh

Gundiyabai Ahiwar, Sarpanch of Pipra Gram Panchayat, Tikam Garh district was not allowed to hoist the national flag at the primary school of her own village on the independence day in 1998. Drapati Bai, Sarpanch of Salheona Gram Panchayat of Raigarh district was stripped. Sarman Ahirwar Upa-sarpanch of Karki Gram Panchayat of Chhaterpur district was tortured. Munalal, member, Gram Panchayat, Barbatpur of Raisen district was beaten up. Kusum Bai, an OBC woman Sarpanch of Gujjarkhedi Gram Panchayat of Khandwa district was gangraped.

Rajasthan

Dalit women Sarpanches have not been allowed to sit along with their upper caste counterparts in meetings of Gram Panchayats. There are instances of peons washing the tea cups of upper caste Panchayat members, but refusing to wash cups used by dalit woman Sarpanches. No-confidence motions have also been moved against dalit women Sarpanches based on deep-rooted caste prejudices and motives which could not be expressed openly in the Panchayat meetings. Recently, the Ajmer Mahila Jan Adhikar Samiti, Ajmer et.al., have brought out stories of Dalit Sarpanches of Ajmer, Tonk and Kota districts. These dalit women have been exploited by the upper castes of the villages because of caste prejudices. A decentralised administrative structure ranging from Development Block to police station has not helped them. In one case the concerned person did not come forward to give his witness before the court due to fear of the dominant caste of the village. Family members of some of the Sarpanches have been falsely implicated in various crimes with the purpose of terrifying them so that they dare not come forward to challenge status-quoist the forces of the villages.

Tamil Nadu

Murugesan, President and Mookan, Vice-President of Melavalavu Village Panchayat in Melur Taluka of Madurai district and others were brutally murdered in broad day light because the high castes of the village did not digest this “encroachment” on what they have traditionally considered their domain. In fact, the police actively helped the caste Hindus to leave the village immediately after the murder.

Uttar Pradesh

Nirmala Devi, member of Zilla Parishad, Chandauli won the last Zila Panchayat election with the highest number of votes in the State, yet she remains an untouchable to the upper strata of society because she was born a Dalit. She laments that the upper castes declined to accept the sweets she had offered to them on her winning the election.

These examples show that clashes, tensions and struggles between established forces and newly emerging forces in the countryside will gradually lead to an egalitarian order. There are numerous examples of women elected representatives like Fatima Bi, Sarpanch of Koornul district, Andhra Pradesh who has done commendable work in developing their Panchayats. In this way, the Panchayati Raj has released the disguised energy of weaker sections, particularly SCs and STs and women who, after creating an equitable social order, are bound to strengthen and promote human rights.

IV. Task Ahead

The above discussion would indicate that the institution of Panchayat as an institution of decentralized governance, which is close to the people, by inculcating a democratic culture at local level and changing an unequal social order into equal one, has the potential of promoting human rights in the country. However, in order to accelerate the process of promotion of human rights through Panchayats the following steps should be taken on priority basis.

(1) More functional, financial and administrative autonomy should be given to the Panchayats. In other words there should be a clear-cut demarcation of functions; also adequate financial resources be made available to achieve their goals; adequate personnel be provided to handle responsibilities. The problems the elected representatives have been facing are largely because of the fact that the district and sub-district bureaucracy is not under the control of Panchayats. The elected representatives do not get cooperation and the earmarked money for development work from the local bureaucracy, because the bureaucracy considers itself superior to the Panchayats. It is important, therefore, that all district and sub-district government personnel are placed under the control of the Panchayats for their smooth functioning.

(2) Orientation about powers and functions of the Panchayats and capacity building in performing devolved functions among elected representatives is very important for creating confidence them for shouldering the responsibilities of governance, planning and development. The example of Fatima Bi, Sarpanch of the Kalva Gram Panchayat in Kurnool district of Andhra Pradesh may be noted here. She, after going through orienta-

tion programmes about powers and functions of the Panchayat began to wield power. Hence imparting training to elected representatives about their functions and powers is very important for promoting human rights.

(3) For the first time, SCs, STs and women got elected as member and chairperson of Panchayats. Most of them are inexperienced. Hence the support of non-governmental and voluntary organisations besides the Central and the State Governments, is important for them to prepare and map out economic and social justice plans for promoting human rights.

(4) The Constitution (73rd Amendment) Act has given constitutional status to the Panchayats endowing them with the powers of preparation and execution of plans for economic development and social justice including the subjects listed in the 11th Schedule of the Constitution. But no legal framework has been made at local level to settle disputes in the implementation of the schemes and programmes relating to 29 subjects listed in the 11th Schedule. Although some states have provisions for constituting Nyaya Panchayats, in most cases they are dormant and defunct. The existing courts at district and sub-district levels are already over-burdened. In this connection. Professor Menon (1995) remarked: "Despite such an elaborate hierarchy of civil and criminal courts (which number nearly 10,000) the judicial system is unable to provide access to justice to common man. Over two crores cases are pending in these courts for more than a decade". There are possibilities that the disputes at local level might be increased in future as reservation given to SCs, STs and women have created animosity among the established social forces which have resulted in conflict and disputes on various issues. It is, therefore, urgent that an institution of justice at local level having representation of weaker sections including women for dispensing speedy and inexpensive justice to the masses is created. For this purpose a constitutional amendment may be carried out for providing a viable and sustainable decentralised judicial system for administering justice expeditiously and economically at village level itself.

V. Conclusion

To conclude, in order to accelerate the process of promoting human rights, Panchayats should be strengthened further by awarding functional, financial and administrative autonomy at their different levels so that the elected representatives have full freedom to play their role effectively. Besides developmental functions, policing should also be brought under the control of the Panchayats. And as developmental works have been assigned to the Panchayats, the judicial system should also be decentralised at local level for settling disputes arising in the course of implementation of different schemes and programmes connected with the 29 subjects listed in the 11th Schedule of the Constitution at local level.

REFERENCES

1. Larbeer, Mohan, "Atrocities in Melavalavu Panchayat", *Panchayati Raj Update*, New Delhi, July 1997.
2. Mahi Pal. "Saga of the Struggle of Fatima Bi against Poverty". *Mainstream*, New Delhi, December 12, 1998.
3. Mahi Pal. 1999. "Decentralised Judiciary System: Desirability and Advantages", *Indian Journal of Public Administration*, Vol.XLV, No.3, July-Sept 1999, New Delhi, Pp.544-555.
4. Mathew, George and Ramesh S. Nayak. 1996. *Panchayats at Work: What It Means for the Oppressed?*, Institute of Social Sciences, New Delhi.
5. Menon, N.R. Madhava, "Democratisation of the Polity and the Restructuring of the Judicial System at Grassroots", *Kurushetra*, New Delhi, December 1995.
6. "Panchis Lack Punch", *The Pioneer*, New Delhi, 11.12.98.
7. *Panchayati Raj Update*, Institute of Social Sciences, New Delhi, January 1996.
8. Ibid. January 1998.
9. Ibid. August 1998.
10. Ibid. July 1998.
11. *Rajasthan Me Dalit Mahila Sarpancho Kee Kahani Unakikee Jubini* (in Hindi), A Report prepared by Ajmer Anchal Mahila Jan Adhikar Samiti, Ajmer, 1999.

ANNEXURE-1

ELEVENTH SCHEDULE

(Article 243-G)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programmes.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.

22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of Community Assets.

Human Rights Education for Public Administrators

Jaytilak Guha Roy

The role of state in protection and promotion of human rights can not be undermined altogether despite the growing importance of the role of civil society organisations. Unfortunately the legacy of the British Raj still haunts our public bureaucracy even after more than five decades of independence. The public image of our civil bureaucracy, and more particularly, the coercive arm of the state such as police, remains incompatible with the basic requirements of a sovereign democratic republic as ours. Hence, the need for sensitisation of our public administrators so as to enable them to discharge their duties and obligations as the provider of services for public welfare and the protector of human rights.

Significance

The Indian Institute of Public Administration, which is a premier national institute engaged in research, training and consultancy in various aspects of public administration has been conducting a full-fledged stream on 'Human Rights' in its training programme called Advanced Professional Programme in Public Administration. The programme of nine months duration is being conducted by the Institute for senior and middle level officers of all central services during the last 25 years. However, Human Rights stream was included in this Programme three years ago in view of the growing importance of human rights education for public administrators. As faculty in-charge of this new stream, this writer has had the opportunity to interact with nearly 100 civil servants. Such open-ended interaction has convinced me that there still remains lack of clarity in the bureaucratic perception of the concept and standards of human rights, and herein lies the significance of human rights education for public administrators.

Perceptual Gaps

One of the most common misconceptions perceived by a great chunk of educated people including civil servants in our country is that human rights are an alien concept. But the fact remains that India, being a land of one of the oldest civilizations of the world and the birth-place of diverse religions and cultures, has a rich heritage of human rights values. It is also one of the greatest and oldest companions of the international community's struggle for preservation, protection and promotion of human rights. Centuries ago, when the West did not even see the light of the day, it was from this land that the highest ideal of human life was echoed: "let all people be happy". In fact, protection and promotion of human rights are possible only in a society where all people, irrespective of their castes, creeds, sex and religions, live happily.

Another widespread misconception relates to standards of human rights. Many of our public administrators often talk about "our own standards of human rights". They do not hesitate to argue that since ours is a developing country we can not afford to observe western standards of human rights, and hence, we should follow our own standards. It is really ridiculous that our public servants, who are at the helm of state affairs next to political authority, are ignorant of the fact that India, being a party to the International Bill of Human Rights (IBHR), has legal as well as moral obligations to adhere to the minimum human rights standards stipulated under its various instruments such as Universal Declaration of Human Rights, 1948, (UDHR). International Covenant on Civil and Political Rights (1966), International Covenants on Economic, Social and Cultural Rights (1966), International Convention on the Elimination of All

Forms of Racial Discrimination, Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, and Convention on the Elimination of All Forms of Discrimination Against Women, and so on.

One of the salient features of the IBHR is the recognition of human rights as universal moral rights, which are indivisible, inalienable and inherent in human dignity and existence. To quote Sridar Ramphal, former Secretary General of the Commonwealth, "Human Rights were not born of men but they were born with men".

Another significant feature of the IBHR is that it lays down international human rights standards for the protection of all human beings throughout the world. Some are legally binding treaties while others represent the non-binding declarations of the international communities on the minimum standards which all states are morally obliged to observe. Human rights are, to quote the preamble of the UDHR, "a common standard of achievement for all peoples and all nations".

If universality and individuality are recognised by the world community as the fundamental principles of human rights standards, how could the arguments about culture, tradition or economic compulsions for non-compliance of these standards stand the test of reasoning? If human rights are inalienable and inherent, should they not be applied to all human beings without exception? Sadly, when the world community are now celebrating the golden jubilee of the UDHR, a large chunk of our public servants and also some scholars of repute continue to talk about western standard of human rights without realising the fact that there is only one common set of standards, i.e., minimum human rights standards which are applicable to all - both the west and the east, developed and developing nations.

Curricula

In view of our experience as discussed in the foregoing paragraphs, curricula for human rights education for public administrators need to be so planned as to remove the perceptual gaps relating to the concepts and standards of human rights. The contents of such curricula should not merely include Indian heritage of human rights values, ethos and culture, but more importantly, the critical issues relating to the practices of such values and cultures. Human rights education could be effective and useful only when its curricula contents would provoke the learners to raise critical questions on various issues – social, economic, political and legal – relating to the state of human rights in our own country and elsewhere.

Human rights curricula should also provide necessary inputs to understand the ground realities, because the real school for such education is the school of human life.

Methodology

Human rights education for any adult group like civil servants cannot be imparted through one way interaction. It has to be imparted through pedagogic methods of teaching. In other words, the participative method is the most appropriate technique. A mix of methodology should, therefore, be followed for human rights education, viz., case studies based on real life situations, experiential presentations, vertical and horizontal interactions and syndicate group discussions. A systematic approach to training is the essential prerequisite for such education as it emphasises on identification of training needs, planning and designing of need based training, implementation of training and assessment of results as a continuing process.

Conclusion

It needs to be emphasised that training cannot be the panacea for all administrative problems concerning human rights. It can address only those problems which can be solved by training intervention. The roles of political authority, judiciary, media and civil society organisations are no less important to protect and promote human rights, and hence, there is a need to sensitise our politicians, judges, media persons and social activists in human rights values, ethos and culture.

Human Rights Education in India: Issues and Challenges

P. Raghu Ram

Human Rights are fundamental freedoms of life, liberty and equality which are indispensable for every human being to meet his/her basic needs of survival and to ensure comprehensive growth of the human being. But the unequal and oppressive social structures like caste, property and patriarchy, along with the state, continue to violate the rights of marginalised groups like dalits, tribals, women, agrarian labourers and the poor in India[1].

Human rights violations have been increasing tremendously in our society in recent times. We witness multi-layered forms of oppression, which are in-built in our society, polity and economy. For example, dalit women in rural India face both caste oppresssion and gender oppression. Thus, dominance and discrimination are the twin processes, which are leading to multiple human rights violations in our society.

What is the role of Human Rights Education (HRE) in alleviating human suffering? This question has to be grappled with by all people who are concerned with the question of human rights. Majority of the people, whose rights are persistently violated, are illiterate. How do we impart Human Rights Education to them? More importantly, how do we teach the perpetrators of violence? This is a big challenge for HRE in India. Furthermore, education for all Indians remains a utopian dream, even after impressive performance in other sectors like economy, science and technology. The Supreme Court declared unequivocally in 1993 that the provisions of Article 45 are now part of the fundamental rights[2]. The apex court's judgement has not been taken seriously either by the state or even by social activists. (It is surprising that no activist/group has thought it appropriate to challenge the Government's inaction in the Supreme Court.

First, Human Rights Education (HRE) shouldn't be restricted to formal institutionalised teaching alone. The whole concept of HRE has to be demystified. If HRE doesn't come to the aid of the oppressed, the purpose of HRE remains incomplete. How best the HRE would help the deprived groups whose rights are violated persistently should constitute the core of HRE in India. Second, HRE should be effectively imparted through formal educational channels also. Most importantly HRE is to be imparted to the educated middle class with a view to sensitizing them because they are the perpetrators of human rights violation or at best remain ambivalent towards the victim of oppression.

HRE has to focus on human rights awareness, realisation and enforcement. HRE is a pro-active process, it empowers people and it enables them to shed their prejudices. Prof. M.C. Sharma argues that HRE should concentrate on a) Faculty development, which is sensitive to human rights, b) Teaching methods and c) Curriculum development[3] [Professor Sharma's contribution appears elsewhere in this Volume – eds].

What should be the purpose and objectives of HRE in India? Broadly, the objectives of HRE can be as follows:

a) to create consciousness and to disseminate information about legal and institutional safeguards and to protect and promote human rights among target groups; b) to build a more humane world, whereby the role of violence in social conflicts can be reduced; c) to equip the target groups to address human rights violations in day-to-day life; d) to facilitate institutional reforms in Police, Judiciary and Prisons; e) to democratize the dominant structures of authority like patriarchy, caste, property and the state.

The agenda for HRE may appear to be too large and ambitious. But, 'human rights' is a civilizational issue, and human rights are indispensable to create a just, humane and equitable society. In fact, human rights are linked with larger issues like democratic way of life and observance of rule of law[4].

It is necessary to identify the target groups for HRE, so that it can be promoted effectively. These target groups can be of three types: a) student community; b) professionals like police, lawyers, politicians, judges, government and prison officials; c) the oppressed groups whose rights are violated persistently with greater frequency and magnitude. The curriculum of HRE should be devised in such a manner that the specific needs of each target group are met.

The content of Human Rights curriculum should be drawn from grassroots struggles. For example, Dalit assertion for right to dignity and self-respect, tribals' movement for justice, women's movements for equality and autonomy, environmental movements, civil liberties movements and movements of displaced persons (displaced by developmental projects) all these are very positive trends which suggest heightened consciousness among the marginalised groups in Indian society. The spirit of these struggles has to be incorporated in the human rights curriculum. In the words of Rajni Kothari, "human rights pedagogy has to draw upon what is going on among the people – their struggles against hegemony and for due regard and dignity – and to structure the research, the teaching and even the training in the light of such education from bottom up"[5].

Rule of law is considered to be indispensable for protection of human rights in Liberal Democracy. However, Law has become very weak in the public eye. Law is being repeatedly violated in practice by law-enforcing agencies themselves. How can the situation be improved? HRE should focus on improving civic behaviour and on achieving attitudinal change in society. Mere debates on fundamental rights in Law departments of Universities will not bring the desired result. There is every need to supplement the legal component of human rights with grass-roots perspectives thrown up by the struggles for democratic rights[6].

HRE can not be imparted without coming into conflict with hegemonic groups and vested interests. Whenever civil liberties activists protest against atrocities by the police and the socially dominant groups, they are attacked. The State seeks to delegitimize the groups and individuals who raise their voice against injustice and oppression[7]. There is every need to encourage a spirit of resistance among the target groups of human rights education, so as to enable them to face real-life situations.

There is a growing need for bridging the gap between human rights theory and practice. Human rights concepts and theories have to be illustrated in terms of social practice. Universities and research institutes should actively interact with the oppressed. Each university can adopt some model villages around it for the redressal of human rights violations. Socio-economic inequality, illiteracy, deprivation and dominance by the powerful groups – all these processes are responsible for violation of people's rights. The task of human rights education and research is to go deep into the roots of human rights violations, which are structural and institutional as well. The research conclusions have to be incorporated in the policy-making process. It is unfortunate that the policy-makers and the law-enforcing agencies in India are totally insensitive to the human rights issues. Also, election manifestos of the political parties have not given as much importance to human rights violations as the subject deserves.

Some of the universities in India have already introduced courses on human rights[8]. The syllabi of these courses focus on imparting theoretical and legal knowledge about human rights issues at national and international level. All these courses emphasise theoretical and philosophical issues, legal and institutional processes and International human rights issues. The National Law School of India University, Bangalore has devised comprehensive courses on HRE[9]. Interestingly, legal aid clinics of some of the universities are making positive interventions in society through legal aid and legal literacy campaigns. These efforts are laudable. More efforts should however be made in the direction of creating an interface between the universities and the deprived groups.

Mere introduction of HRE as another subject of study is not likely to help much to address human rights violation in society; the orientation of human rights courses has to be changed, keeping in view the complex and practical nature of human rights violation which occurs in real life. HRE and research need to be action-oriented.

A UNESCO document on human rights education observes: "The school among other agencies of society, has an obligation to play its part fully and effectively in developing understanding of the principles of human rights and in shaping the attitudes and behaviour of future citizens in accordance with them". It adds, "education for human qualities and creating the conditions which will enable people to live peacefully together in a world of closely inter-related nations"[10] should be the aim of HRE. The UNESCO maintains that the syllabus on human rights education should cover the "history of social revolutions and independence movements and break-down from colonisation". It adds, "struggle for human rights through ages or of movements for social welfare and justice will enable pupils to appreciate the size of a formidable task". The UNESCO adopts a reformist approach to promote human rights education. It deemphasises ritualistic reproduction of information[11]. It seeks to influence the consciousness of the target groups of HRE. The UNESCO document argues for equipping the learner with a critical capability to analyse and understand the problems affecting the world.

Paulo Friere discussed a different approach to HRE in his two works viz., *Pedagogy of the Oppressed* and *Cultural Action for Freedom*. Friere believes that education should basically be a liberating process and it has to be achieved through conscientisation. Conscientisation constitutes both critical awareness of the learner himself and his willingness to act on the reality so that the reality can be changed[12]. The learner who is brought up in a culture of silence gets into semi-intransitive condition and then enters the stage of critical consciousness. The critical consciousness is a stage where the learner and his social situation undergo transformation[13].

The transformative approach emphasizes on transformation of the individual, group, society, state and global order, which are structurally inter-connected. It focuses its attention on the injustices and inequalities. It believes that this transformation can be achieved by providing not only a critical understanding of the past but also the contemporary socio-economic context. It aims at making the learner sensitive to human suffering and see that the human consciousness depends and gets grounded in the concrete reality[14]. This approach aims at democratizing the social structures of dominance like caste, property and patriarchy.

To conclude, HRE can broadly be termed as an activity to foster and promote human rights culture. It is not enough that we concentrate our attention on information being imparted on human rights but to transform the conduct of human being – to make him/ her more humane and therefore, the whole purpose of human rights education is to transform us.

NOTES AND REFERENCES

1. Balagopal K. & G. Hargopal. The State and Civil Liberties Movement in India in the Last Decade of Twentieth Century, paper presented in International Workshop on "State, Democracy and Social Movements" held in Delhi, October 1992.
2. *PUCL Bulletin*, editorial, September 1994.
3. Prof. Moolchand Sharma's valedictory address in the National Workshop on Human Rights Education, held at Indian Social Institute, New Delhi, 28-29 August 1999. [This is a revised version of the paper submitted in the Workshop-eds.]
4. Alicia, Ely-yamin. 1993. "Empowering Visions: Towards a Dialectical Pedagogy of Human Rights", *Human Rights Quarterly*, The John Hopkins University Press.
5. R.M. Pal (ed). 1995. *Human Rights Education*, Delhi: PUCL and Indian Social Institute, New Delhi.
6. Sitaraman K. 1996. "Human Rights Movement: Past and Present", *People's Democratic Forum*, Bangalore, August 1996.
7. Balagopal, K. 1988. *Probings in Agrarian Classes and Conflicts, Perspectives*, Hyderabad. Ray, Sibnarayan in *Human Rights Education*, ed. R.M. Pal, 1995.
8. National Law School of India University, Bangalore; Department of Political Science, University of Hyderabad, Hyderabad; Centre for Human Rights, B.B. Ambedkar (central) University, Lucknow and a number of other universities have introduced Post-Graduate Courses and Diploma Programmes in Human Rights.

9. Syllabus for P.G. Diploma in Human Rights, NLSIU, Bangalore. See, for more details, *National Policy on Education and Human Rights*, Government of India, 1986.
10. UNESCO. 1969. Some Suggestions on Teaching about Human Rights, Geneva.
11. Op. Cit. UNESCO Document.
12. Freire, Paulo. 1967. *Pedagogy of the Oppressed*, New York: Penguin Books.
13. Haragopal, G. "Human Rights Education: A Transformative Perspective", *Indian Journal of Human Rights*, University of Hyderabad, January-June 1997.
14. Haragopal, G. 1998. *Political Economy of Human Rights*, New Delhi: Himalayan Publishing Company.

Problems Relating to Human Rights Education

V.B.Rawat

In his background paper Dr. R.M.Pal has comprehensively dealt with the issues which need our attention when we talk of human rights education [published elsewhere in this volume]. Over the years, human rights education has become a subject matter for our universities and academics. But are they serious about human rights? If they were, they – the Universities, Colleges, National Human Rights Commission and other concerned organisations – would have first given their attention to the harmful and distorted reading materials that are being produced by the respective boards of education of various states for our young students in school. They should have also analysed the social fabric of our country. Dr. Pal has given a few examples from NCERT and other textbooks as to how history and sociology are being taught there. How they talk, for example, of untouchability in a casual manner; they would not speak about its source, and the philosophy which sanctifies it.

It is becoming a bit difficult for human rights intellectuals and activists to have their opinion respectfully heard by the authorities in charge of schools and human rights education in the country and various states, given the colours of historians and the political patronage which ensure their presence in such institutions. Unfortunately, those who have no commitment to the cause of human rights are asked to conduct human rights education. There is hardly any space for an activist, who fights day in and day out in rural areas, for the cause of human rights, endangering his life. Most of us, particularly the philosophers in this Meet and in the human rights commissions are decorated either by Judges from the Supreme Court, High Courts or academics and bureaucrats sitting in ivory towers – we all tend to ignore the grass-roots activists.

Unfortunately, we also tend to ignore another dangerous reality – textbooks. Most of the textbooks to which Dr. Pal has referred in his detailed background paper, have been authored by those who are politically motivated; their loyalty is to their political ideologies, of left or right variety. Any government which comes to power starts playing foul with it. Human rights cause in India can not be discussed without referring to intellectual-activisits like Buddha, Ambedkar, Periyar and Phule. Ambedkar is referred to as the architect of the Indian Constitution (Only God knows, tomorrow, if the likes of Arun Shourie, honour any of these commissions, they would even deny that Ambedkar ever drafted the Constitution of India!). The textbooks in the cow belt have rarely mentioned Periyar and Phule. Jinnah is often presented as a villain – he was communal and that he created Pakistan. They would not go into a detailed discussion of the difference of opinion between the Congress Party and the Muslim League. Similarly, Ambedkar has become a vote bank hence he is being frequently used by the textbooks but not Periyar whose very name creates hatred among upper caste Hindus. Perhaps, even the official human rights experts and bodies consider him anti-national as he questioned the very concept of the Brahmanical system, imposition of Hindi language over the non-Hindi speaking people etc. Periyar exposed the north Indian mindset and asserted that Tamil language and culture had a powerful heritage to be proud of. And the Hindi belt, its establishment intellectuals, the political class considered any thing federal, independent of its culture as dangerous to the unity and integrity of the Nation. It considered every other language and culture as subservient to Hindi and Hindu nationalism.

Perhaps, that is why the University Grants Commission (UGC) in its Approach Paper to Universities and Colleges instructed: "One of the greatest challenges of today's time in pluralistic societies like India is the rising conflicts and tensions in the name of particularistic loyalties to caste, religion, one's own region or language. Such a situation is not in accord with the concept of unity in diversity and poses a serious threat to human rights as well as to principles of democratic rights and rule of law. It is imperative that people realise the positive social and cultural value of diversity rather than treating it as a source of conflict. Human rights education must imbibe the understanding, tolerance and respect for differences and diversities (Para 3.3).

This underlines what ails our academics and their concept of human rights education. Today, there is an assertion among the backward classes all over the country regarding their identity and fundamental rights. Of late, Dalits have also been asserting their rights and so also the minorities. Can their assertion be termed as casteist or communal and harmful to the country? Those, who have been maltreated for thousands of years will definitely revolt and it is certain that they could not be forced to have faith in, both the caste based Varna system and human rights educators, who have blind faith in this social system. What will our educators suggest to those who took to streets, immolating themselves against the simple recommendation of the Mandal Commission Report, favouring reservation for backward classes in government services, which was accepted by the Government of V.P.Singh (Prime Minister 1989-90). The Supreme Court rejected that economy should be the criteria for job reservation as India's problem is social and not economic. Should our human rights educators term these reservations as casteist in nature? And what about those who champion the rights of the upper castes to oppose reservation? What should be the approach?

Should it be the concern of the educators in human rights as to what is right or wrong for the country or should there be a concern for the human lives? We must pose the question to our educators: if religion and nation come in clash with the human rights, can the values of human rights survive? Baliapal is an area in Orissa dominated by small tribal farmers. They have been fighting against displacement from their land which was taken over by the armed forces for testing missiles. The Government argued that it was important for national security to have a test range in Baliapal and hence the people were displaced. Though a promise was made to the people for an early rehabilitation, we all know how successive governments have behaved. The people of Baliapal have been agitating over the issue for quite some time now. But, what is our response? The self styled patriots have declared that those who oppose the government action are anti-nationals. There are newspapers who fabricate figures and report that a majority of the countrymen want the Baliapal test range to continue. The same is the case with Sardar Sarovar and Tehri Dam projects; the local and affected people, as also the thoughtful sections of our people are opposed to the construction of these dams. How are our educators going to sensitise this issue.

Every government has to ensure certain legal protections for vulnerable sections of society. Some of these legal provisions have to facilitate international covenants on human rights in the local scenario. Unfortunately, due to lack of human rights education, some of these provisions have become election issues, like the SC-ST Prevention of Atrocities Act which became an election issue in Uttar Pradesh with two diametrically opposite parties. As soon as they would come to power, they announced, they would repeal it. Human rights education needs to focus on such issues, emphasising the fact, that there cannot be any compromise on such issues. One wonders, however, if centres of higher education will be seized of such matters.

The UGC approach paper does not mention anything on the subject of nuclearisation of the subcontinent. Is it not the duty of our human rights educators to inform the students about the horrors of nuclear holocaust? As human rights educators and activists we must have the courage to be forthright on such subjects which protect and preserve life on this planet.

Many intellectuals in our country support *Sati*, which, according to them, is the greatest sacrifice of a wife devoted to her husband. Some Muslim intellectuals also defend the *Purdah* system under the pretext that it saves women from physical harm and crave mindset. Are these theories justifiable under the human rights laws. Is cultural autonomy so powerful as to ignore and reject an individual's autonomy, choice and freedom? Can we allow such violation of human rights in the name of culture and religion? How do human rights educationists go about such problems?

Regional identities have started asserting in our country. We have seen this in Kashmir, North East, Tamilnadu, Punjab and other parts of the country. Jharkhand is being demanded in the name of defending the identity of Jharkhand. One may get an impression from the UGC Approach Paper that this demand is not in the interest of the country's unity in diversity. Who will decide what is good for the country? A few elites who have consistently and persistently neglected the cause of the tribals and other regional and ethnic aspirations?

Today, a number of human rights educators want to convey the message that India's problems with regard to human rights are local and should be tackled locally. Can human rights just be local? Is it that no outsider has a right, for example, to speak about human rights violation caused by the caste system? Human rights know no boundaries. They go beyond the sovereignty of a nation. Second, India's social problems are unique in the sense that the hierarchical system does not have any basis to exist in any society claiming to be a civilised one. It is racist in nature. Hence when we talk of human rights, we talk of national laws, international covenants and laws. If India was among the first countries which ratified the International Covenants on Civil and Political Rights and later the International Covenants on Economic, Social and Cultural Rights, then we have every right to question the performance of our government. Our Constitution has everything that a modern constitution requires. Yet we have miserably failed. Our young men and women must know this. But for that our human rights educators must be reeducated. Unfortunately, the problem arises when most of our educators firmly believe that we have not failed and our human rights record is excellent. For them the caste system does not exist and those who talk about it are casteist! The same community of believers feel that the culture of tolerance has always been the hallmark of Indian society, communal riots are only aberrations, and so on!

Let us take the case of untouchability which has been abolished by the Constitution (Article 17). But what is the ground reality? Even the judge of a district court washed his chamber as his predecessor was a Dalit. How can we overcome these prejudices? In this context, it is necessary that the international covenants are taught vigorously in our schools, colleges and elsewhere as part of human rights education. For example, when our teachers teach the Universal Declaration of Human Rights in schools, specially, Article 1 of UDHR, which says: “all human being are born equal”, how would the teacher explain this in the classroom? Should he not say that this is not a reality in India, for certain people are not even considered human being because they are born in certain castes? Should he not inform the students that despite our constitutional and legal provisions, it is the social laws, the Manusmriti, which govern our country in the real sense. The time has come when we should make an honest attempt to follow the civilised pattern. It is also important to inform our people, specially the middle class about the international covenants and the laws in other countries because a large number of our nationalistic writers, authors and human rights activists have made it a point to paint human rights activists as anti-national. Parrot-like they chant that India has a golden past about human rights and it is our concept and we need not learn from others. They maintain that only India has such generosity that it respects minority rights and Dalit rights. Hence if we are unable to trace the roots of Dalit problems through an analysis of the social system based on the Brahmanical religion there is no point in talking about untouchability or caste system. Today a large number of our editors, political leaders, analysts blame the former Prime Minister V.P.Singh for highlighting the caste factor in India. By implication they mean to say that there was no caste system or caste conflicts before V.P.Singh implemented Mandal Commission Report.

Do our students in cities really know about untouchability, the cleaning of toilets and all other works in India which are based on caste? What is the philosophy behind it? Is it not a fact that the

Karma theory is in contradiction with a number of provisions of International Covenants – and, even according to the provisions of our own Constitution – and this we need to inform our students. We must also tell our students that we are not favouring Dalits or Muslims or other minorities by enacting a few special laws for them. Most of these are international covenants and need to be honoured. These are laws required for a civil society. Even countries like the US have laws of positive discrimination and affirmative action. Our human rights educators need to emphasise the fact that these laws are effective tools for the oppressed masses. They should also know that they have not only national protection but international backing of laws. This strengthens their case. Moreover, the more the people of India are made aware of these covenants, they would be more powerful and vociferous in their protest against human rights violation. International opinion is important and some time it is effective.

The kind of problems I have raised cannot be overcome by the existing education system. We have to understand how an illiterate Kabir was in the forefront of spreading the secular message and human values, and why our educated elite is doing just the opposite. It is largely true that our illiterate, rural folks are secular and our educated elite have been exploiting and perpetuating the caste and communal prejudices.

These are important problems and we all need to think about these. Human rights education must have different target groups and different issues. No programme can be successful if we concentrate on one specific target. We have also to attack those systems which are sources of human rights violation, and provide alternative systems. Apart from students, the other target groups might be the vulnerable groups such as tribals, Dalits, women, minorities, displaced people, landless people, panchayat representatives, legislatures, educators, lawyers, mediapersons, volunteers, NGOs and so on. They can not have the same set of education. For example, those in power need to be told to respect rights of individuals and communities, while the displaced and marginalised people should be total about their right to life, natural resources, equal treatment and so on; they must be told that they must stand up against any kind of human rights violation, and that the law does not permit violation of human rights and human dignity and they cannot be discrimated against.

In a country like India, where rituals have dominated the ordinary lives and helped the ruling elite of the country, unless a war is waged against these irrational practices violation of human rights of the oppressed will continue; there can be no solution with mere talk of constitutional reform and framing legislation. Over the years, the definition of secularism as "Sarva-dharma-samabhava" has harmed the human rights cause in the country. Let us give an example.

The Supreme Court maintained in the *Mohd Ahmed Khand Vs Shahbano Begum* case that Section 125 of Criminal Procedure Code, 1973 is secular in nature and not in conflict with any particular religion or Personal law. There is no conflict on the question of Muslim husband's obligation to provide maintenance for his divorced wife who is unable to maintain herself. It further said that right of a divorced Muslim woman to claim maintenance is not affected by personal law – Muslim Personal Law (Shiriat) Application Act, 1937, Section 2, Hindu Addition Maintenance Act 1956, Parsi Marriage and Divorce Act, 1936. (AIR, 1985 SC-556).

A section of Muslims vehemently opposed the judgement on the plea that it was a gross interference in Muslim Personal Laws. the then Prime Minister, Mr. Rajiv Gandhi and his government decided to get over the court order by bringing the Muslim Women (Protection Rights on Divorce) Act, 1986.

According to this new Act the husband is not required to pay any maintenance to the wife after the iddat period. She is now required to rely on her relatives. If they are unable to give maintainance allowance, she will be looked after by State Wakf Board. It may be mentioned here that even when the highest court of the land gave a verdict for the protection of human rights of women in distress the political rulers did not hesitate to overrule the judgement -- a brute majority helped the rulers of the time to get Parliament enact a law. Which has clearly damaged the cause of human rights of women, just because it would fetch some votes during election.

For us to have a place in the comity of nations, we need to educate students from the point of view of ideologies; and reject personality orientation which our textbooks have been emphasising for the past fifty years. The fact remains that when a teacher asks his students to write an essay on Buddha, he/she expects them to write about the figure, colour, family background of the Buddha. Will the physical appearance serve any purpose in the development of human values among them? What human rights educationists should insist is that our students grasp the views of Buddha or Mahavira or Nanaka or Ambedkar and understand why did they challenge the social order and wanted to create a new society embodying the values of fraternity, equality and dignity? They held that the right to dignity is at the root of all human rights. Instead of doing this, most school textbooks try to create myths and miracles around these legends.

Let us give just one example. We have been taught that Gandhiji always considered Hinduism as the greatest religion of the world. Gandhiji fought against untouchability and evils of Hinduism. But we were never told anything about the exact nature of these evils. Periyar, Phule and Sri Naryan Guru have written about these evils at length. But how many students in north India have heard of these revolutionaries? In recent years due to Dalit assertion our students have heard of Ambedkar. How many of them have ever known what Ambedkar stood for? Isn't it a fact that the Hindu upper castes, by and large, including our teachers, have no good word for Ambedkar and his fight for Dalits' human rights?

They are angry because he was instrumental in introducing reservation in government jobs for Dalits and tribals. They are angry because there are a large number of Ambedkar's statues in the country. They are upset that he is known as the architect of the Constitution. They are not prepared to analyse as to why reservations and 'positive discrimination' are needed in our country. Some of us agree that this is what ought to be taught in a human rights education class, but who is going to teach and where is the teaching material?

Let us take the language aspect of human rights education. Human rights education talks about vulnerable sections of society while the entire human rights discourse in this country is in English, a language of 2% elite, who are mostly the violators of human rights. How do we expect the vast majority of the people to understand that the elite, the privileged have no right to violate their rights, that they must learn to assert their rights? It needs to be in the local language and not just Hindi and English.

I come from a very humble background from the Uttarakhand region of Uttar Pradesh and was educated in a state school in the Hindi medium. Our class teacher would often remark that all the fingers of our hand are not equal and then he would defend the Varna system. We were told that Rama killed Shambook, Bali, Surpanakha in the greater interest of Dharma, even though Rama's action cannot be defended on rational ground. Our history books taught us that Muslim rulers were barbarians, specially Aurangjeb and Muhammad Tughlaq. Our history teacher would often comment how dangerous Aurangjeb was, and that he was a womaniser. We were told that the Somnath temple was destroyed by a Muslim invader Mahmud Gaznavi but were not told that Mahmud Gaznavi's sole purpose was to loot the gold. We were never told anything negative about the Hindu rulers who destroyed Buddha Viharas.

We have lionised every Hindu ruler and made villain out of every Muslim. Was Dalit human rights on the agenda of the Congress during the British period. It was only Gandhiji who took up the issue of untouchability and temple entry, as also of communalism. As we all know he had to withdraw the movement under pressure from his collegues. In a human rights-educators conference in Kathmandu, a lawyer activist from our Supreme Court mentioned that India's national movement was a movement of human rights. Was it? Another important thing I found in our textbooks specially in Uttar Pradesh is that they never question the injustice meted out to our people. Take for example, the Mahabharata episode of Eklavya. He is held in high esteem since he did not hesitate to offer his right thumb to Guru Dronacharya who asked him to do so. This enabled Arjuna to become the best archer in the world. Was not Drona rather crafty? Now, our textbooks mentioned the greatness of Eklavya but would never question the craftiness of Dronacharya. When the BJP came to power in Uttar Pradesh, Kabir was the first casualty in the textbooks. His poetry was omitted. (Not many would know about Rahul Sankrityayan and his famous essay 'Tumhari Kshaya' in which he attacked the caste and class system of our society). Hindi literature is full of caste bias as it does not have anything (barring a few exceptions) for social justice. The description of the poets and writers is given on the basis of caste – he was born in a famous Kayastha family or a poor Brahmin family, and so on. (Brahmins have always been portrayed in our textbooks as poor but honest!). In the essays on social fabric of India, our textbooks would say: *Hindu dharm mein char varna hain: Brahmin, Kshatriya, Vaishya aur Shudra*. Brahmins are supposed to possess knowledge and wisdom, Kshatriyas are the rulers and warriors, Vaishyas are the business class and Shudras are the servile community. They follow their four festivals like Brahmins celebrate Rakhi, Kshatriyas Dushera, Vaishyas Diwali and for Shudras it is Holi. Our textbooks have always tried to justify the caste system. The entire Sanskrit literature which is being taught in our colleges revolve round the Brahmins. But our teachers would often defend it saying that the entire thing was reasonable since it is based on Karma.

It is in this context that we must warn ourselves against what the UGC Approach Paper writes: "However, respect for human rights as a part of its social philosophy has existed in the Indian ethos for a long time despite its aberrations intermittently" (Para 1.3). Is it a fact? In fact it is the other way round – there was no respect for human rights in India except in Buddhism, Bhakti and Sufi movements in the medieval period, who fought against social inequality. We must admit the fact that these movements in India came from the non-Sanskritic struggle of the common masses.

Let us hope our educators and textbook writers take an important aspect of the guideline provided by the UGC, seriously:

"Human Rights Education cannot merely be an intellectual exercise alone. It requires building linkages between what happens in the society and what is transmitted in the classes to the students.

It requires capturing actual experiences of violation of human rights and denial of human dignity. This kind of education need field experience and action oriented ways of leaning and teaching" (Para 4.3). It is indeed a sound approach, but it can not change the ideology of a person, if s/he is not committed to it. For example, a textbook writer has to denounce our social evils. Will he write, for example, that what our Sunday English dailies publish in the matrimonial columns magnifying caste, complexion (superiority of race!), are violative of human rights? If they don't all exercises on human rights education will end in futility.

Human Rights Education: In Search of New Agenda

Shashi Kumar

Our society is characterised by antagonistic relations among communities, curtailment of collective rights of marginalised people, downtrodden groups, communal riots, racism, genocide that subsequently leads to growing threats to human integrity and world peace. Thoughtful men and women have to find out remedies. It is in this context that protection and promotion of human rights become important. The values of liberty, equality, justice and fraternity are to be cultivated. Even though it is not an easy task, we must nevertheless strive if we want a peaceful and civilised society. Again, it is in this context that human rights education becomes a subject of serious discussion.

Human Rights Education is not meant for any particular group. The target group is the whole world population. Following this objective, the world conference on human rights at Vienna, June 1993, considered the importance of human rights education and training. The conference also considered the public importance of human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual trust, tolerance and peace.

The vision of human rights education (HRE) is very broad; it aims not only to make society human rights principles but to sensitize men and women about human rights and to train them in meeting the challenges of the 21st century. A UNESCO document on human rights education observes, "education for human rights is conceived not only as an end in itself but also as a means of developing human qualities and creating the condition which will enable people to live peacefully together in a world of closely interrelated nations". The objective should be to promote respect for human rights at all levels – to foster the values of tolerance and to develop awareness of the ways and means by which human rights can be translated into a social and political reality at both national and international levels.

I give below a brief sketch of a curriculum framework for HRE. In the ongoing discourse of HRE a curriculum development is an important aspect in creating human rights culture. Teaching human rights requires multi-disciplinary research approach on its various aspects in order to establish human rights as a viable subject. HRE should not be compared with other academic disciplines in schools and universities. It should not be treated as a part of moral education; nor should it be treated as credit or non-credit courses in the examination oriented educational system. A mere academic approach involving memorisation of rights with a view to passing examination will not do. Such academic exercise does not necessarily create respect for human rights. Secondly, information oriented teaching also does not help us. What we need is to have the ability to analyse and understand the world around and the problems affecting the world, like for example, the problems of the disadvantaged and suffering millions. In short, our aim should be to make people sensitive to human sufferings and human rights violations.

UNESCO has conducted a project on Human Rights Education. The following recommended contents of Human Rights Education could be a guideline for framing a curriculum.

1) Students' actual experience relating to human rights; 2) Reasons for teaching: a) Universally accepted reason - concept of

state and power, human rights as part of human nature; b) "our story' - the story of people's struggles for human rights; c) Developing the concept of human rights – 1993 Vienna Declaration; 3) Human rights concept and principles; 4) Rights and responsibilities issues; 5) Society, government, culture and human rights issues; 6) contextualising human rights issues (in relation to gender, peace, development, environment); 7) Child rights. 8) Setting conflict in the exercise of rights; 9) Skill (dialogue, facilitation, communication, involvement in human rights work, crisis management etc.; 10) Promotion and protection mechanism: sanctions against isolations; grievance mechanisms (National Human Rights Institutions); recognition of human rights work; strategies for promoting human rights work; strategies for promoting human rights (Campaign Marching); constraints in promoting human rights; 11) Success stories of human rights struggle; 12) Debunking myths about human rights; 13) Human rights violations; Who violates, what forms; 14) Development and human rights; role of business corporations; international financial institutions; 15) Human rights workers; 16) Transcending fear, managing the situation to deal with human rights; 17) Healing trauma of victims of human rights.

It is clear that emphasis is to be given on institutional, integrated and behavioural approaches in developing human rights culture in society.

The learning process in Human Rights Education should be started at primary level itself. Its contents should be expanded at higher level of teaching, that is, in schools and universities. We should also link up classroom teaching with the ground realities of human rights violations. Practical training of students at village level and interaction with victims or vulnerable groups constitute an effective process towards integrating formal and non-formal learning. Lastly, we should aim at attitude building and personality development. This is basic for developing human rights culture. This can be made effective by applying communication skill, practical experience in para-legal training and field survey research work.

This process includes human rights education on adult education pattern. This kind of education can be useful for police personnel and social activists.

REFERENCES

UNESCO. 1969. *Some Suggestions on Teaching about Human Rights*, Geneva.

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Unpublished paper. "UNESCO's contribution to the development of Human Rights Education; Achievement and Challenges" by Janusz Symonds, Department of Peace, Human Rights, Democracy and Tolerance, UNESCO, France, 1998.

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